

Annual Administrative Code Supplement
1998 – 2000 Edition

PART 4. STANDARDS OF CONDUCT

R 339.23401

Source: 1996 AACs.

R 339.23403

Source: 1996 AACs.

R 339.23405

Source: 1996 AACs.

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

SCHOOL DISTRICT PUPIL ACCOUNTING FOR DISTRIBUTION OF STATE AID

R 340.2

Source: 1984 AACs.

R 340.3

Source: 1984 AACs.

R 340.4

Source: 1984 AACs.

R 340.5

Source: 1984 AACs.

R 340.7

Source: 1984 AACs.

R 340.8

Source: 1997 AACs.

R 340.10

Source: 1988 AACs.

R 340.11

Source: 1987 AACs.

INTERSCHOLASTIC ATHLETICS

R 340.81

Source: 1997 AACs.

Editor's note: Transferred from R 349.81.

R 340.82

Source: 1997 AACs.

Editor's note: Transferred from R 349.82.

R 340.83

Source: 1997 AACs.

Editor's note: Transferred from R 349.83.

R 340.84

Source: 1997 AACs.

Editor's note: Transferred from R 349.84.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 340.85

Source: 1997 AACS.

Editor's note: Transferred from R 349.85.

R 340.86

Source: 1997 AACS.

Editor's note: Transferred from R 349.86.

R 340.87

Source: 1997 AACS.

Editor's note: Transferred from R 349.87.

R 340.88

Source: 1997 AACS.

Editor's note: Transferred from R 349.88.

R 340.89

Source: 1997 AACS.

R 340.90

Source: 1997 AACS.

R 340.91

Source: 1997 AACS.

R 340.92

Source: 1997 AACS.

Editor's note: Transferred from R 349.92.

R 340.101

Source: 1997 AACS.

Editor's note: Transferred from R 349.101.

R 340.102

Source: 1997 AACS.

Editor's note: Transferred from R 349.102.

R 340.103

Source: 1997 AACS.

Editor's note: Transferred from R 349.103.

R 340.104

Source: 1997 AACS.

Editor's note: Transferred from R 349.104.

R 340.105

Source: 1997 AACS.

Editor's note: Transferred from R 349.105.

R 340.106

Source: 1997 AACS.

Editor's note: Transferred from R 349.106.

R 340.107

Source: 1997 AACS.

Editor's note: Transferred from R 349.107.

R 340.108

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1997 AACS.

R 340.109

Source: 1997 AACS.

R 340.110

Source: 1997 AACS.

R 340.111

Source: 1997 AACS.

R 340.112

Source: 1997 AACS.

Editor's note: Transferred from R 349.112.

R 340.121

Source: 1997 AACS.

Editor's note: Transferred from R 349.121.

R 340.122

Source: 1997 AACS.

Editor's note: Transferred from R 349.122.

R 340.123

Source: 1997 AACS.

Editor's note: Transferred from R 349.123.

R 340.124

Source: 1997 AACS.

Editor's note: Transferred from R 349.124.

R 340.125

Source: 1997 AACS.

Editor's note: Transferred from R 349.125.

R 340.126

Source: 1997 AACS.

Editor's note: Transferred from R 349.126.

R 340.127, R 340.128

Source: 1997 AACS.

R 340.129

Source: 1997 AACS.

R 340.130

Source: 1997 AACS.

R 340.131

Source: 1997 AACS.

R 340.132

Source: 1997 AACS.

Editor's note: Transferred from R 349.132.

R 340.141

Source: 1997 AACS.

Editor's note: Transferred from R 349.141.

R 340.142

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1997 AACS.

Editor's note: Transferred from R 349.142.

R 340.143

Source: 1997 AACS.

Editor's note: Transferred from R 349.143.

R 340.144

Source: 1997 AACS.

Editor's note: Transferred from R 349.144.

R 340.145

Source: 1997 AACS.

Editor's note: Transferred from R 349.145.

R 340.151

Source: 1997 AACS.

Editor's note: Transferred from R 349.151.

R 340.152

Source: 1997 AACS.

Editor's note: Transferred from R 349.152.

R 340.153

Source: 1997 AACS.

R 340.154

Source: 1997 AACS.

R 340.155

Source: 1997 AACS.

Editor's note: Transferred from R 349.155.

R 340.161

Source: 1997 AACS.

Editor's note: Transferred from R 349.161.

R 340.162

Source: 1997 AACS.

Editor's note: Transferred from R 349.162.

R 340.163

Source: 1997 AACS.

Editor's note: Transferred from R 349.163.

R 340.164

Source: 1997 AACS.

Editor's note: Transferred from R 349.164.

WORK-CAMP PERMITS

R 340.181

Source: 1997 AACS.

Editor's note: Transferred from R 349.181.

R 340.182

Source: 1997 AACS.

Editor's note: Transferred from R 349.182.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 340.183

Source: 1997 AACs.

Editor's note: Transferred from R 349.183.

SUPERINTENDENT OF PUBLIC INSTRUCTION
WORK PERMITS

R 340.186

Source: 1997 AACs.

R 340.187

Source: 1997 AACs.

STATE BOARD OF EDUCATION
DEMONSTRATION PROGRAM FOR OUT-OF-WORK SCHOOL DROPOUTS

R 340.201

Source: 1997 AACs.

R 340.202—R 340.204

Source: 1997 AACs.

R 340.205, R 340.206

Source: 1997 AACs.

R 340.207

Source: 1997 AACs.

R 340.208

Source: 1997 AACs.

R 340.209

Source: 1997 AACs.

R 340.210

Source: 1997 AACs.

R 340.211

Source: 1997 AACs.

R 340.212—R 340.214

Source: 1997 AACs.

STATE AID FOR TRANSPORTATION OF SCHOOLCHILDREN

R 340.271—R 340.279

Source: 1997 AACs.

DEPARTMENT OF TREASURY
QUALIFICATION OF SCHOOL DISTRICT BONDS

Annual Administrative Code Supplement
1998 – 2000 Edition

R 340.301

Source: 1997 AACS.

R 340.351 Rescinded.

History: 1954 ACS 11, Eff. Aug. 14, 1957; 1954 ACS 65, Eff. Nov. 25, 1970; 1979 AC; rescinded 1998 MR 3, Eff. Apr. 1, 1998.

R 340.352 Rescinded.

History: 1954 ACS 11, Eff. Aug. 14, 1957; 1954 ACS 65, Eff. Nov. 25, 1970; 1979 AC; rescinded 1998 MR 3, Eff. Apr. 1, 1998.

R 340.353 Rescinded.

History: 1954 ACS 11, Eff. Aug. 14, 1957; 1954 ACS 65, Eff. Nov. 25, 1970; 1979 AC; rescinded 1998 MR 3, Eff. Apr. 1, 1998.

R 340.354 Rescinded.

History: 1954 ACS 11, Eff. Aug. 14, 1957; 1954 ACS 65, Eff. Nov. 25, 1970; 1979 AC; rescinded 1998 MR 3, Eff. Apr. 1, 1998.

R 340.355 Rescinded.

History: 1954 ACS 11, Eff. Aug. 14, 1957; 1954 ACS 65, Eff. Nov. 25, 1970; 1979 AC; rescinded 1998 MR 3, Eff. Apr. 1, 1998.

DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION
PUBLIC SCHOOL DAY CARE PROGRAMS

R 340.491—R 340.494

Source: 1997 AACS.

TEACHERS OF EMOTIONALLY DISTURBED CHILDREN

R 340.541, R 340.542

Source: 1997 AACS.

PSYCHOLOGIST REGISTRATION

R 340.801—R 340.808

Source: 1997 AACS.

JUNIOR AND COMMUNITY COLLEGE CAPITAL OUTLAY MATCHING FUND

R 340.881—R 340.889

Source: 1997 AACS.

SCHOOL PSYCHOLOGICAL SERVICES

R 340.1151—R 340.1158

Source: 1997 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

SAFETY SPECIFICATIONS FOR SCHOOL BUSES

R 340.1201

Source: 1997 AACS.

R 340.1202—R 340.1204

Source: 1997 AACS.

R 340.1211—R 340.1213

Source: 1997 AACS.

R 340.1214

Source: 1997 AACS.

R 340.1215, R 340.1216

Source: 1997 AACS.

R 340.1231

Source: 1997 AACS.

R 340.1232

Source: 1997 AACS.

USE OF SCHOOL BUSES BY UNITS OF GOVERNMENT

R 340.1251

Source: 1981 AACS.

R 340.1252

Source: 1981 AACS.

R 340.1253

Source: 1981 AACS.

R 340.1254

Source: 1981 AACS.

R 340.1255

Source: 1981 AACS.

R 340.1256

Source: 1981 AACS.

**DECLARATORY RULING, PROMULGATION OF RULES,
AND INFORMATION REQUESTS**

R 340.1351

Source: 1981 AACS.

R 340.1352

Source: 1981 AACS.

R 340.1353

Source: 1981 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 340.1354
Source: 1981 AACS.

R 340.1355
Source: 1995 AACS.

SPECIAL EDUCATION PROGRAMS AND SERVICES

PART 1. GENERAL PROVISIONS

R 340.1701
Source: 1997 AACS.

R 340.1701a
Source: 1987 AACS.

R 340.1701b
Source: 1995 AACS.

R 340.1702
Source: 1987 AACS.

R 340.1703
Source: 1980 AACS.

R 340.1704
Source: 1980 AACS.

R 340.1705
Source: 1994 AACS.

R 340.1706
Source: 1983 AACS.

R 340.1707
Source: 1987 AACS.

R 340.1708
Source: 1987 AACS.

R 340.1709
Source: 1987 AACS.

R 340.1710
Source: 1994 AACS.

R 340.1711
Source: 1983 AACS.

R 340.1712
Source: 1997 AACS.

R 340.1713
Source: 1983 AACS.

R 340.1714
Source: 1987 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 340.1715

Source: 1983 AACs.

**PART 2. EVALUATION, ELIGIBILITY, STUDENT ASSIGNMENT, AND DUE PROCESS
PROCEDURES**

R 340.1721

Source: 1980 AACs.

R 340.1721a

Source: 1987 AACs.

R 340.1721b

Source: 1995 AACs.

R 340.1721c

Source: 1987 AACs.

R 340.1721d

Source: 1980 AACs.

R 340.1721e

Source: 1995 AACs.

R 340.1722

Source: 1994 AACs.

R 340.1722a

Source: 1995 AACs.

R 340.1722b

Source: 1997 AACs.

R 340.1722c

Source: 1987 AACs.

R 340.1722d

Source: 1997 AACs.

R 340.1722e

Source: 1987 AACs.

R 340.1722f

Source: 1980 AACs.

R 340.1723

Source: 1980 AACs.

R 340.1723a

Source: 1995 AACs.

R 340.1723b

Source: 1994 AACs.

R 340.1723c

Source: 1994 AACs.

R 340.1724

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1987 AACs.

R 340.1724a

Source: 1987 AACs.

R 340.1724b

Source: 1994 AACs.

R 340.1724c

Source: 1997 AACs.

R 340.1724d

Source: 1987 AACs.

R 340.1725

Source: 1995 AACs.

R 340.1725a

Source: 1980 AACs.

R 340.1725b

Source: 1990 AACs.

R 340.1725c

Source: 1980 AACs.

R 340.1725d

Source: 1987 AACs.

R 340.1725e

Source: 1994 AACs.

PART 3. ADMINISTRATION OF PROGRAMS AND SERVICES

R 340.1731

Source: 1997 AACs.

R 340.1732

Source: 1980 AACs.

R 340.1733

Source: 1995 AACs.

R 340.1734

Source: 1994 AACs.

R 340.1735

Source: 1997 AACs.

R 340.1736

Source: 1987 AACs.

R 340.1737

Source: 1983 AACs.

R 340.1738

Source: 1989 AACs.

R 340.1739

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1980 AACs.

R 340.1740

Source: 1987 AACs.

R 340.1741

Source: 1987 AACs.

R 340.1742

Source: 1987 AACs.

R 340.1743

Source: 1987 AACs.

R 340.1744

Source: 1987 AACs.

R 340.1745

Source: 1987 AACs.

R 340.1746

Source: 1987 AACs.

R 340.1747

Source: 1987 AACs.

R 340.1748

Source: 1989 AACs.

R 340.1749

Source: 1987 AACs.

R 340.1749a

Source: 1987 AACs.

R 340.1749b

Source: 1987 AACs.

R 340.1749c

Source: 1987 AACs.

R 340.1750

Source: 1987 AACs.

R 340.1751

Source: 1987 AACs.

R 340.1752

Source: 1997 AACs.

R 340.1753

Source: 1987 AACs.

R 340.1754

Source: 1982 AACs.

R 340.1755

Source: 1987 AACs.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 340.1756

Source: 1983 AACS.

R 340.1757

Source: 1980 AACS.

R 340.1758

Source: 1983 AACS.

PART 4. QUALIFICATIONS OF DIRECTORS AND SUPERVISORS

R 340.1771

Source: 1987 AACS.

R 340.1772

Source: 1987 AACS.

R 340.1773

Source: 1987 AACS.

R 340.1774

Source: 1997 AACS.

PART 5. QUALIFICATIONS OF TEACHERS AND OTHER PERSONNEL

R 340.1781

Source: 1987 AACS.

R 340.1782

Source: 1996 AACS.

R 340.1783

Source: 1987 AACS.

R 340.1784

Source: 1980 AACS.

R 340.1785

Source: 1987 AACS.

R 340.1786

Source: 1987 AACS.

R 340.1787

Source: 1980 AACS.

R 340.1788

Source: 1980 AACS.

R 340.1790

Source: 1987 AACS.

R 340.1791

Source: 1987 AACS.

R 340.1792

Source: 1987 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 340.1793
Source: 1987 AACS.

R 340.1794
Source: 1980 AACS.

R 340.1795
Source: 1987 AACS.

R 340.1796
Source: 1980 AACS.

R 340.1797
Source: 1980 AACS.

R 340.1798
Source: 1980 AACS.

R 340.1799
Source: 1983 AACS.

R 340.1799a
Source: 1987 AACS.

R 340.1799b
Source: 1987 AACS.

R 340.1799c
Source: 1987 AACS.

R 340.1799d
Source: 1987 AACS.

PART 6. FINANCING

R 340.1801
Source: 1980 AACS.

R 340.1802
Source: 1980 AACS.

R 340.1803
Source: 1980 AACS.

R 340.1804
Source: 1997 AACS.

R 340.1805
Source: 1980 AACS.

R 340.1806
Source: 1980 AACS.

R 340.1808
Source: 1980 AACS.

R 340.1809
Source: 1980 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 340.1810

Source: 1980 AACS.

R 340.1811

Source: 1980 AACS.

R 340.1812

Source: 1980 AACS.

PART 7. DEVELOPMENT AND SUBMISSION OF INTERMEDIATE SCHOOL DISTRICTS' PLAN

R 340.1831

Source: 1987 AACS.

R 340.1832

Source: 1987 AACS.

R 340.1833

Source: 1980 AACS.

R 340.1834

Source: 1980 AACS.

R 340.1835

Source: 1980 AACS.

R 340.1836

Source: 1987 AACS.

R 340.1837

Source: 1980 AACS.

R 340.1838

Source: 1987 AACS.

R 340.1839

Source: 1987 AACS.

PART 8. COMPLAINTS

R 340.1851

Source: 1997 AACS.

R 340.1852

Source: 1997 AACS.

R 340.1853

Source: 1997 AACS.

R 340.1854

Source: 1997 AACS.

PART 9. RECORDS AND CONFIDENTIALITY

R 340.1861

Source: 1987 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 340.1862
Source: 1980 AACS.

R 340.1863
Source: 1980 AACS.

R 340.1864
Source: 1980 AACS.

R 340.1865
Source: 1980 AACS.

R 340.1866
Source: 1980 AACS.

R 340.1867
Source: 1980 AACS.

R 340.1868
Source: 1980 AACS.

R 340.1869
Source: 1980 AACS.

R 340.1870
Source: 1980 AACS.

R 340.1871
Source: 1980 AACS.

R 340.1872
Source: 1987 AACS.

R 340.1873
Source: 1987 AACS.

DEPARTMENT OF MANAGEMENT AND BUDGET
REGIONAL EDUCATIONAL MEDIA CENTERS

R 380.1
Source: 1981 AACS.

R 380.2
Source: 1981 AACS.

R 380.3
Source: 1981 AACS.

R 380.4
Source: 1981 AACS.

R 380.5
Source: 1981 AACS.

R 380.6
Source: 1981 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 380.7
Source: 1981 AACS.

R 380.8
Source: 1981 AACS.

R 380.9
Source: 1981 AACS.

R 380.10
Source: 1981 AACS.

DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION
TRANSPORTATION OF HANDICAPPED PERSONS

R 380.51—R 380.61
Source: 1997 AACS.

ADMINISTRATOR CERTIFICATION CODE

PART 1. GENERAL PROVISIONS

R 380.101
Source: 1988 AACS.

R 380.102
Source: 1988 AACS.

R 380.103
Source: 1988 AACS.

R 380.104
Source: 1988 AACS.

R 380.105
Source: 1988 AACS.

R 380.106
Source: 1988 AACS.

R 380.107
Source: 1988 AACS.

R 380.108
Source: 1988 AACS.

R 380.109
Source: 1988 AACS.

R 380.110
Source: 1988 AACS.

R 380.111
Source: 1988 AACS.

**Annual Administrative Code Supplement
1998 – 2000 Edition**

R 380.112
Source: 1988 AACs.

R 380.113
Source: 1988 AACs.

PART 2. ADMINISTRATIVE HEARINGS

R 380.114
Source: 1988 AACs.

R 380.122
Source: 1988 AACs.

R 380.123
Source: 1988 AACs.

R 380.124
Source: 1988 AACs.

R 380.125
Source: 1988 AACs.

R 380.126
Source: 1988 AACs.

R 380.127
Source: 1988 AACs.

R 380.128
Source: 1988 AACs.

R 380.129
Source: 1988 AACs.

R 380.130
Source: 1988 AACs.

R 380.131
Source: 1988 AACs.

R 380.132
Source: 1988 AACs.

R 380.133
Source: 1988 AACs.

R 380.134
Source: 1988 AACs.

R 380.135
Source: 1988 AACs.

R 380.136
Source: 1988 AACs.

SCHOOL PSYCHOLOGIST CERTIFICATE

Annual Administrative Code Supplement
1998 – 2000 Edition

R 380.201

Source: 1992 AACS.

R 380.202

Source: 1992 AACS.

R 380.203

Source: 1992 AACS.

R 380.204

Source: 1992 AACS.

R 380.205

Source: 1992 AACS.

R 380.206

Source: 1992 AACS.

R 380.207

Source: 1992 AACS.

R 380.208

Source: 1992 AACS.

R 380.209

Source: 1992 AACS.

R 380.210

Source: 1992 AACS.

DEPARTMENT OF EDUCATION

SUPERINTENDENT OF PUBLIC INSTRUCTION

SCHOOL ADMINISTRATOR CONTINUING EDUCATION

R 380.1201 School administrator continuing education requirement.

Rule 1. Subject to section 1246(1) and (2) of Act No. 451 of the Public Acts of 1976, as amended, being S380.1246(1) and (2) of the Michigan Compiled Laws, beginning July 1, 1999, a school district, public school academy, or intermediate school district, shall not employ a person who has not completed, within a 5-calendar-year period before July 1, 1999, either a minimum of 1 semester hour of credit at a state board-approved institution or 3 state board-continuing education units (SB-CEU's). A person who holds a Michigan administrator certificate that is valid through June 30, 1999, is exempted from this requirement. After July 1, 1999, or upon expiration of the administrator certificate, a person employed as a school administrator shall have completed, within each 5-calendar-year period, a minimum of 6 semester or credits had a state board-approved institution or 18 state board-continuing education units, or combination of both.

History: 1998 MR 11, Eff. Dec. 10, 1998.

STATE AID PROGRAMS FOR UNDERPRIVILEGED CHILDREN

R 388.201—R 388.205

Source: 1997 AACS.

STATE AID TO IMPROVE ACHIEVEMENT IN BASIC COGNITIVE SKILLS

Annual Administrative Code Supplement
1998 – 2000 Edition

R 388.221

Source: 1981 AACS.

R 388.222

Source: 1981 AACS.

R 388.223

Source: 1981 AACS.

R 388.224

Source: 1981 AACS.

R 388.225

Source: 1981 AACS.

R 388.226

Source: 1981 AACS.

R 388.228

Source: 1981 AACS.

R 388.229

Source: 1981 AACS.

R 388.230

Source: 1981 AACS.

R 388.231

Source: 1981 AACS.

R 388.234

Source: 1997 AACS.

GRANTS FOR COMMUNITY SCHOOL PROGRAM

R 388.281—R 388.283

Source: 1997 AACS.

DRIVER EDUCATION

PART 1. GENERAL PROVISIONS

R 388.302 Definitions; A to D.

Rule 2. As used in these rules:

- (a) “Act” means Act No. 300 of the Public Acts of 1949, as amended, being S257.1 et seq. of the Michigan Compiled Laws.
- (b) “Behind-the-wheel experience” means that portion of the driving experience during which a student actually manipulates the controls of a motor vehicle at a multiple vehicle driving facility or on the public streets and highways.
- (c) “Classroom instruction” means group instruction in both segments 1 and 2, as specified in section 310e of the act, in all of the following areas:
 - (i) Traffic citizenship.
 - (ii) Michigan traffic laws and regulations.
 - (iii) Characteristics of drivers.
 - (iv) The role of government in controlling traffic and driving practices.

Annual Administrative Code Supplement
1998 – 2000 Edition

- (v) Automobile use.
 - (vi) Traffic situations and problems.
 - (vii) Defensive driving.
 - (d) "Consortium" means a partnership, association, or alliance of 2 or more school districts in a common venture.
 - (e) "Department" means the Michigan Department of Education.
 - (f) "Driver education instructor" means an individual who is approved by the department to provide driving instruction.
 - (g) "Driver education program" means an organized system of instruction, including classroom instruction and laboratory experience, that is designed to enable a student to safely drive a motorized vehicle on the public streets and highways. Instruction shall include both segment 1 and segment 2 programs as provided in section 310e of the act.
 - (h) "Dual control vehicle" means a motor vehicle with an additional brake on the right front floorboard of the vehicle.
- History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1994 MR 6, Eff. June 29, 1994; 1998 MR 3, Eff. Mar. 27, 1998.

R 388.303 Definitions; I to O.

Rule 3. As used in these rules:

- (a) "Integrated and correlated sequence" means a systematic structuring of classroom instruction and laboratory experience so that the instruction and experience augment and complement each other in meeting the goals and objectives of a driver education program.
- (b) "Laboratory experience" means activities that provide a student with driving practice under actual conditions.
- (c) "Multiple vehicle driving facility" means an off-street driving area at which a number of motor vehicles are operated simultaneously to provide behind-the-wheel experience under the supervision of 1 or more driver education instructors.
- (d) "Observation time in a vehicle" means that portion of the driver education program during which the student learns by observing the driving techniques of the driver education instructor or a fellow student.
- (e) "On-the-road driving experience" means the time during which a student actually manipulates the controls of a motor vehicle while driving on the public streets and highways including behind-the-wheel experience at a multiple vehicle driving facility.
- (f) "Organization" means a business enterprise which is conducted by a person, firm, partnership, association, or corporation and which provides instruction in the safe operation of a motor vehicle. A fee may be charged for the instruction.

History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1994 MR 6, Eff. June 29, 1994; 1998 MR 3, Eff. Mar. 27, 1998.

R 388.304 Definitions; P, S.

Rule 4. As used in these rules:

- (a) "Performance objective" means the knowledge and skill that a student is expected to acquire to successfully complete a driver education course.
- (b) "Private or parochial school" means a nonpublic school that provides instruction in the elementary or secondary grades, or both, to students who are regularly enrolled in compliance with the compulsory education laws in this state.
- (c) "Program provider" means any of the following:
 - (i) A local or intermediate school district.
 - (ii) A private or parochial school.
 - (iii) A consortium.
 - (iv) An organization.
- (d) "Regularly qualified licensing authority" means an agency that is designated pursuant to statute to issue drivers' licenses.
- (e) "Safety restraining devices" means devices or equipment, such as seat belts, shoulder harnesses, and

Annual Administrative Code Supplement
1998 – 2000 Edition

air bags, that are designed to minimize injury to a passenger or driver of a vehicle as a result of a sudden stop or collision.

(f) "Simulator devices" means electronic equipment that uses filmed driving situations or interactive computer generated driving environments to educate individuals in proper driver response procedures for real life situations. Simulation instruction may be used for up to 9 hours of classroom instruction in segment 1.

History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1994 MR 6, Eff. June 29, 1994; 1998 MR 3, Eff. Mar. 27, 1998.

R 388.304a

Source: 1994 AACS.

R 388.305 Approval for new driver education programs.

Rule 5. A school district, private or parochial school, consortium, or an organization shall obtain written approval from the department for the operation of a new driver education program before its starting date.

History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1998 MR 3, Eff. Mar. 27, 1998.

R 388.306 Withdrawal of program approval.

Rule 6. (1) Noncompliance with any of these rules shall be considered just cause for withdrawal of approval to provide a driver education program for persons who are less than 18 years of age. Before withdrawing approval, the department shall cause a copy of the written charges to be served upon a program provider.

(2) Within 10 days after being served a notice of charges, a program provider shall have an opportunity to show compliance with these rules. A program provider may request an informal conference to show compliance with these rules. The informal conference shall be conducted by an authorized representative of the department.

(3) After the informal conference, the department shall take 1 of the following actions:

(a) Make a finding of compliance.

(b) Enter into a written settlement of the issue without a hearing.

(c) Direct the issuance of a hearing notice.

History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1994 MR 6, Eff. June 29, 1994; 1998 MR 3, Eff. Mar. 27, 1998.

R 388.306a Notice of hearing; amendment of charges; failure to attend hearing; settlement.

Rule 6a. (1) If a program provider does not request an informal conference, or the department directs issuance of a hearing notice after an informal conference, then a notice of hearing and a copy of the written charges shall be served upon the program provider within 15 days after being served a notice of an opportunity to show compliance with these rules.

(2) The written charges may be amended between the time of the notice of opportunity to show compliance and the notice of hearing.

(3) If a program provider fails to attend the hearing, then the hearing may proceed and a decision shall be made.

(4) The department, upon withdrawal of approval, shall provide a written notice to the program provider.

History: 1994 MR 6, Eff. June 29, 1994; 1998 MR 3, Eff. Mar. 27, 1998.

R 388.306b

Source: 1994 AACS.

R 388.307

Source: 1997 AACS.

R 388.308 Driver education instruction.

Rule 8. Classroom instruction shall be in compliance with all of the following provisions:

(a) Not more than 2 clock hours of instruction per day shall be offered.

Annual Administrative Code Supplement
1998 – 2000 Edition

(b) Driver education instruction shall consist of 2 separate curriculum segments consisting of not less than 30 hours of classroom instruction and 6 hours of on-the-road driving experience for each student.

(c) The first segment of the driver education program shall provide for all of the following:

(i) Not less than 24 clock hours of classroom instruction.

(ii) Not less than 3 weeks of classroom instruction.

(iii) An integrated and correlated classroom/laboratory experience.

(iv) Limited classroom participation of not more than 36 students per class.

(v) Not less than 6 hours of on-the-road driving experience. Up to a maximum of 3 clock hours driving experience on a multiple vehicle driving facility may be counted toward meeting part of the 6 clock hours of the on-the-road driving experience.

(vi) Audio visual equipment, videos, and other interactive electronic devices may be utilized for home study. Home study time shall not be allowed as time earned toward the 24-hour classroom requirement of the segment 1 program.

(d) The second segment of the driver education program shall be in compliance with all of the following provisions:

(i) Provide each student with not less than 6 clock hours of classroom instruction.

(ii) Be made available only to students who have successfully completed the first segment of driver education, have had an elapsed period of not less than 3 months since completion of the first segment, and have completed not less than 30 hours of driving time, of which 2 hours shall be night driving, with a parent, legal guardian, or, with the permission of a parent or legal guardian, any licensed driver who is 21 years of age or older.

(iii) Classroom participation shall be limited to not more than 36 students per class. Class size may be exceeded for not more than 1 hour per day when justified by an educational presentation.

(iv) Audio visual equipment, videos, and other interactive electronic devices may be utilized for home study. Home study time shall not be allowed as time earned toward the 6-hour classroom requirement of the segment 2 program.

History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1979 ACS 11, Eff. Aug. 20, 1982; 1994 MR 6, Eff. June 29, 1994; 1998 MR 3, Eff. Mar. 27, 1998.

R 388.309 Driving experience.

Rule 9. (1) All of the following provisions apply to driving experience:

(a) Not less than 6 clock hours of on-the-road driving experience shall be offered.

(b) Student on-the-road driving experience shall not exceed 1 clock hour per day.

(c) Experience at a multiple vehicle driving facility may be substituted for up to a maximum of 3 clock hours of on-the-road experience on the public streets and highways.

(d) A minimum of 3 clock hours of on-the-road experience shall be provided on the public streets and highways.

(e) The maximum number of students in a driver education vehicle shall be limited to 4. Not more than 2 people shall occupy the front seat.

History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1979 ACS 11, Eff. Aug. 20, 1982; 1994 MR 6, Eff. June 29, 1994; 1998 MR 3, Eff. Mar. 27, 1998.

R 388.310

Source: 1994 AACS.

R 388.313

Source: 1994 AACS.

R 388.313a

Source: 1994 AACS.

R 388.313b

Source: 1994 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 388.313c

Source: 1994 AACCS.

R 388.314a

Source: 1994 AACCS.

R 388.314c Notice of hearing; written charges settlement; absence of party.

Rule 14c. (1) Within 15 days of service of the notice of opportunity to show compliance, if the driver education instructor does not request an informal conference, then a notice of hearing and a copy of the written charges shall be served upon the instructor.

(2) After an informal conference and a decision by the department to proceed to hearing, a notice of hearing and a copy of the written charges shall be served upon the driver education instructor.

(3) The written charges may be amended between the time of the notice of opportunity to show compliance and the notice of hearing.

(4) If the driver education instructor fails to attend the hearing, then the hearing may proceed and the decision be made in the absence of the instructor.

(5) The driver education instructor and the department may agree in writing to a settlement of the matter without a hearing.

History: 1954 ACS 92, Eff. Sept. 8, 1977; 1979 AC; 1998 MR 3, Eff. Mar. 27, 1998.

R 388.314e

Source: 1994 AACCS.

R 388.315 Student selection for program enrollment.

Rule 15. (1) When selecting students for enrollment in a driver education program, school officials shall give the oldest students first priority. A student who is under the age of 14 years and 8 months shall not be admitted to the driver education program, except as provided in R 388.316.

(2) Before participating in the driving experience, students shall be screened to determine, or evidence shall be presented, that they meet the physical requirements that are necessary for the issuance of a motor vehicle operator's license.

History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1994 MR 6, Eff. June 29, 1994; 1998 MR 3, Eff. Mar. 27, 1998.

R 388.317

Source: 1997 AACCS.

R 388.318 Certificates.

Rule 18. (1) Before April 1, 1997, a student who passes an approved driver education course shall be granted a Michigan driver education certificate approved by department as official proof of having successfully completed a course as required by law. The department shall provide the official Michigan driver education certificate to be issued.

(2) Beginning April 1, 1997, a student shall receive a certificate approved by the department as official proof of having successfully completed each segment of the driver education program. The department shall make available to the providers the driver education certificate issued to the student.

History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1998 MR 3, Eff. Mar. 27, 1998.

R 388.319

Source: 1994 AACCS.

R 388.320 Records and reports.

Rule 20. School districts, private and parochial schools, and organizations subject to the Michigan driver education law shall submit any reports required by the department and shall make available any records that pertain to any information relative to the operation of the driver education program.

History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1998 MR 3, Eff. Mar. 27, 1998.

Annual Administrative Code Supplement
1998 - 2000 Edition

PART 2. SCHOOL DISTRICT DRIVER EDUCATION

R 388.321

Source: 1997 AACs.

R 388.322 Program reimbursement.

Rule 22. (1) A school district driver education program is not eligible for reimbursement until all required evidence has been presented and approved by the department.

(2) Reimbursement will be made to a school district based on the pro rata pupil cost up to the eligible amount established by law for all eligible resident driver education students who have completed an approved driver education program.

(3) Reimbursement shall be made to a school district based on the pro rata pupil cost of the driver education program. Reimbursement shall not exceed the substantiated program cost. A determination of the reimbursement amount shall be based on information that is presented in the annual driver education report by the school district as required by the department. Reimbursement for driver education programs may be withheld from a school district due to noncompliance with these rules.

History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1994 MR 6, Eff. June 29, 1994; 1998 MR 3, Eff. Mar. 27, 1998.

R 388.323 Annual reports and local records.

Rule 23. (1) A school district that provides a driver education program shall report annually to the department. The report shall provide complete information as to the following:

(a) The number of students who participated in the course.

(b) The number of students who passed or failed the course.

(c) Substantiating information that is relative to the per pupil program cost.

(2) The names and certificate numbers of students for whom reimbursement is claimed and cost data of the driver education program shall be retained in a school's records for not less than 7 years and shall be available for audit purposes.

History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1994 MR 6, Eff. June 29, 1994; 1998 MR 3, Eff. Mar. 27, 1998.

R 388.324

Source: 1994 AACs.

PART 3. DRIVER EDUCATION PROVIDED BY ORGANIZATIONS

R 388.331 Application for approval.

Rule 31. An application for approval by an organization to provide a driver education program for youth under 18 years of age shall be made on forms prescribed and furnished by the department. The department may appoint an examination committee to review the application and to make appropriate visits to the proposed facilities and programs. Driver education programs provided by an organization are subject to the supervision of the department.

History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1998 MR 2, Eff. Mar. 27, 1998.

R 388.332 Rescinded.

History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1994 MR 6, Eff. June 29, 1994; Rescinded 1998 MR 2, Eff. Mar. 27, 1998.

R 388.333

Source: 1994 AACs.

R 388.334 Management of organization.

Rule 34. The management of an organization shall include the owner and all persons who have supervisory responsibility for the operation of the driver education program and shall be conducted in

Annual Administrative Code Supplement
1998 – 2000 Edition

accordance with these rules and the act.

History: 1954 ACS 62, Eff. July 1, 1970; 1979 AC; 1994 MR 6, Eff. June 29, 1994; 1998 MR 2, Eff. Mar. 27, 1998.

R 388.335

Source: 1994 AACS.

DEPARTMENT OF STATE
BUREAU OF DRIVER IMPROVEMENT
DRIVER TRAINING SCHOOLS

R 388.352

Source: 1988 AACS.

R 388.353

Source: 1988 AACS.

R 388.354

Source: 1988 AACS.

R 388.355

Source: 1988 AACS.

R 388.356

Source: 1988 AACS.

R 388.358

Source: 1988 AACS.

R 388.359

Source: 1988 AACS.

R 388.360

Source: 1988 AACS.

R 388.361

Source: 1988 AACS.

R 388.362

Source: 1988 AACS.

DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION
STATE AID FOR TRANSPORTATION OF SCHOOLCHILDREN

R 388.371

Source: 1987 AACS.

R 388.372

Source: 1987 AACS.

R 388.373

Source: 1997 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 388.374
Source: 1987 AACs.

R 388.375
Source: 1997 AACs.

R 388.376
Source: 1997 AACs.

R 388.377
Source: 1987 AACs.

R 388.378
Source: 1987 AACs.

R 388.379
Source: 1987 AACs.

R 388.380
Source: 1987 AACs.

R 388.381
Source: 1987 AACs.

R 388.382
Source: 1987 AACs.

R 388.383
Source: 1987 AACs.

R 388.384
Source: 1987 AACs.

R 388.385
Source: 1997 AACs.

R 388.386
Source: 1987 AACs.

R 388.387
Source: 1987 AACs.

R 388.388
Source: 1987 AACs.

R 388.389
Source: 1997 AACs.

**STATE AID FOR MATHEMATICS PROGRAM FOR
EDUCATIONALLY NEEDY CHILDREN**

R 388.401—R 388.404
Source: 1997 AACs.

STATE AID FOR LEARNING DISABILITIES PROGRAMS

R 388.411—R 388.416

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1997 AACS.

STATE AID FOR READING SUPPORT SERVICES

R 388.421—R 388.425

Source: 1997 AACS.

OFF-ROAD RECREATIONAL VEHICLE SAFETY EDUCATION

R 388.451

Source: 1993 AACS.

R 388.452

Source: 1993 AACS.

R 388.453

Source: 1993 AACS.

R 388.454

Source: 1993 AACS.

R 388.456

Source: 1993 AACS.

R 388.457

Source: 1993 AACS.

R 388.459

Source: 1993 AACS.

R 388.460

Source: 1993 AACS.

R 388.462

Source: 1993 AACS.

R 388.463

Source: 1993 AACS.

R 388.464

Source: 1993 AACS.

R 388.465

Source: 1993 AACS.

R 388.466

Source: 1993 AACS.

R 388.467

Source: 1993 AACS.

R 388.468

Source: 1993 AACS.

R 388.469

Source: 1993 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 388.475
Source: 1993 AACS.

R 388.476
Source: 1993 AACS.

R 388.477
Source: 1993 AACS.

R 388.478
Source: 1993 AACS.

STATE AID FOR PERFORMANCE CONTRACTS

R 388.551—R 388.557
Source: 1997 AACS.

NEIGHBORHOOD EDUCATION CENTERS

R 388.601—R 388.604
Source: 1997 AACS.

IDENTIFICATION OF STUDENTS ELIGIBLE FOR BILINGUAL EDUCATION FUNDING

R 388.701
Source: 1982 AACS.

R 388.702
Source: 1982 AACS.

R 388.703
Source: 1982 AACS.

R 388.704
Source: 1982 AACS.

R 388.705
Source: 1982 AACS.

R 388.706
Source: 1982 AACS.

R 388.707
Source: 1982 AACS.

R 388.708
Source: 1982 AACS.

R 388.709
Source: 1982 AACS.

R 388.710
Source: 1982 AACS.

R 388.711
Source: 1982 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

**COMMUNITY AND JUNIOR COLLEGES FULL-TIME
EQUATED ENROLLMENT FOR STATE AID**

R 389.1—R 389.4

Source: 1997 AACs.

**PROPRIETARY SCHOOL UNIT
PROPRIETARY SCHOOLS**

R 390.561 Definitions.

Rule 1. As used in these rules:

- (a) "Accredited schools" means a school which has completed the accrediting procedures and which has been approved by 1 or more of the nationally recognized accrediting agencies and associations approved by the United States department of education. The approved accrediting agencies may include the following:
 - (i) Association of accrediting council for independent colleges and schools.
 - (ii) Accrediting commission for career schools/colleges of technology.
 - (iii) Distance education and training council.
 - (iv) Accrediting bureau of health education schools.
- (b) "Act" means Act No. 148 of the Public Acts of 1943, as amended, being S395.101 et seq. of the Michigan Compiled Laws.
- (c) "Auxiliary classroom" means a facility which is used only for instruction by the proprietary school and which is located not more than 1 mile from the location at which the proprietary school is licensed to operate.
- (d) "Board" means the state board of education.
- (e) "Course" means a component of a program in a particular subject area.
- (f) "Department" means the department of education.
- (g) "Full-time equated students" means a student or combination of students enrolled in regular attendance and receiving a full course of instruction with the total clock hours as prescribed by the school.
- (h) "License" means the status provided to a proprietary school by the superintendent of public instruction under the requirement of the act when all conditions have been met satisfactorily by the school.
- (i) "Permit" means a temporary permit to operate until a license is issued.
- (j) "Program" means instruction, in any form or manner, in any particular trade, industrial, commercial, or service occupation.
- (k) "Public assembly site" means a site located in a public educational institution or located in a public meeting area suitable for instruction.
- (l) "School" means a proprietary school as defined in section 1a of the act. "School" does not include an educational institution or educational training program that is maintained or provided by an employer, without charge, to its employees or anticipated employees.
- (m) "Surety" means a bond or insurance to provide indemnification to students suffering loss due to the closing of a school.

History: 1954 ACS 55, Eff. Aug. 14, 1968; 1979 AC; 1987 MR 1, Eff. Feb. 5, 1987; 1998 MR 12, Eff. Jan. 4, 1999.

R 390.562 Licensing procedure.

Rule 2. (1) A school shall furnish an application to the department that contains data concerning curriculum, instruction, facilities, and administration. The department shall evaluate the data.

(2) An applicant applying for a license shall file, with the department, evidence of surety payable to the state of Michigan to be used exclusively for indemnification to students suffering loss due to the closing of the school. The indemnification may take the form of insurance or a bond. An existing school that is applying for a license or permit shall use its count of current full-time equated students or

Annual Administrative Code Supplement
1998 – 2000 Edition

the average full-time equated student figure for the preceding 12 months, whichever is greater. A school enrolling students for the first time may project the full-time equated student figure subject to readjustment 60 days following the start of the program.

(3) Housing and facilities shall conform to standards specified by the appropriate local and state authorities.

(4) An applicant for a temporary permit shall submit a business plan showing projected revenues and expenses for the first 3 years of operation. The business plan shall show a plan of action if the projected revenues are insufficient to operate the school.

(5) The department shall issue an applicant school a permit for a 12-month period before issuing a license. A permit authorizes the applicant to offer specific programs at a definite location under the management as stated on an application. A separate permit is required for each location at which instruction is offered, except a school may offer instruction at an auxiliary classroom or a public assembly site without obtaining a separate permit for that location. Schools such as income tax schools that offer identical programs at multiple locations under the same management for less than 6 months each year as stated on the application may submit 1 application for all sites and pay 1 fee as required by R 390.569.

The permit expires on the date specified on the permit unless the date is extended, in writing, by the department, in which case it expires on the date specified in the written extension. The department shall evaluate the operation of a school under a permit for compliance with the act and these rules. This subrule prohibits the expiration of a permit if a school is involved in a hearing under sections 71 to 92 of Act No. 306 of the Public Acts of 1969, as amended, being SS24.271 to 24.292 of the Michigan Compiled Laws.

(6) The department shall issue a license if an evaluation of the school shows that it has been in compliance with the act and these rules for the previous 12 months.

(7) The board may revoke, or not renew, a school's license or permit for 1 or more of the following reasons:

(a) Intentional violation of any commitment made in an application for a license or permit.

(b) Furnishing false, misleading, or incomplete information to the department.

(c) Violation of any provision of the act or these rules.

(8) The board shall not revoke a school's license or permit or refuse to renew a license or permit unless it conducts a hearing under sections 71 to 92 of Act No. 306 of the Public Acts of 1969, as amended, being SS24.271 to 24.292 of the Michigan Compiled Laws.

History: 1954 ACS 55, Eff. Aug. 14, 1968; 1979 AC; 1987 MR 1, Eff. Feb. 5, 1987; 1998 MR 12, Eff. Jan. 4, 1999.

R 390.562a Surety.

Rule 2a. (1) A school shall provide the board with evidence of surety to insure repayment to students as required by the act.

(2) If surety, as defined in R 390.561, is terminated, the school's license or permit shall expire if a surety is not secured to replace the expired surety. Notification, in writing, shall be given by the school to the department if surety is to expire or be terminated and not replaced.

(3) A school shall not enroll students following notice of cancellation of surety unless another form of surety has been provided.

(4) A surety shall be provided by a school in an amount determined according to the following:

(a) An accredited school shall provide evidence of surety of not less than \$5,000.00 for 1 to 100 full-time equated students, not less than \$7,500.00 for 101 to 500 full-time equated students, and not less than \$10,000.00 for 501 to 1,000 or more full-time equated students.

(b) A nonaccredited school shall provide evidence of surety in an amount equal to \$200.00 per student, but not less than \$5,000.00.

History: 1987 MR 1, Eff. Feb. 5, 1987.

R 390.563 Continuation of licenses.

Rule 3. (1) The department shall renew a school's license each year if a school has not engaged in any conduct prohibited by these rules and complies with all of the following provisions:

Annual Administrative Code Supplement
1998 – 2000 Edition

- (a) Meets the standards of operation under which the license was issued.
- (b) Completes the annual special reports required by the department.
- (c) The surety is renewed and, if necessary, adjusted annually.
- (d) The annual fee is paid as prescribed by R 390.569.
- (2) The department shall periodically inspect the school for compliance with these rules following issuance of the license or permit.

History: 1954 ACS 55, Eff. Aug. 14, 1968; 1979 AC; 1987 MR 1, Eff. Feb. 5, 1987; 1998 MR 12, Eff. Jan. 4, 1999.

R 390.564 Standards for operation.

- Rule 4. (1) Owners shall have a satisfactory record of business integrity and ethical practices and shall possess financial resources adequate to fulfill the school's obligations.
- (2) Data relative to the education, training, and experience of the administrative, supervisory, and instructional staff shall be submitted, on forms provided by the department, for evaluation as to the competency to instruct or supervise instruction in the subjects assigned. Instructional personnel shall have backgrounds of appropriate education or appropriate experience in the substantive field which they are assigned to teach. Instructional personnel who teach in a field requiring a certificate or license shall possess such a certificate or license.
 - (3) Financial records of cash receipts of the school, disbursement, assets, liabilities, and capital, as they relate to the requirements of law, shall be available for inspection by the department.
 - (4) The student's application form and contract shall correspond with the catalog furnished to the student. Any modification of the student's application and contract, as contained in the catalog, shall be agreed to, in writing, by all parties. The refund policy shall be stated in the contract.
 - (5) Student records, except records of grades, including enrollment data, payment of fees, attendance, progress, awards, interviews, and placement, shall be maintained for not less than 3 years following graduation. A student's grade records and transcripts shall be retained in perpetuity by the school and shall be available upon his or her request. A school that is no longer operating shall turn over its student records to the board.
 - (6) Tuition rates and all other costs shall be furnished to the department and the students. Books, tools, and other materials purchased by the student shall become his or her property.
 - (7) A student shall have the necessary aptitude, prerequisite education or training, and the physical qualifications required in the occupational field for which he or she is training.
 - (8) The class load for instruction shall be consistent with approved educational practices. A program shall not be offered unless approved by the department.
 - (9) Courses of instruction shall extend over a sufficient period to meet standards of trade and business practices. Outlines of lessons, units, or projects shall be available to the department.
 - (10) Equipment and materials shall meet local and state fire, health, safety, and sanitation requirements.
 - (11) A student who satisfactorily completes a program shall be given an appropriate certificate or diploma.
 - (12) A permit or a license may be revoked if the school is not complying with the law.
 - (13) A school shall notify the department before a change in location.
- History: 1954 ACS 55, Eff. Aug. 14, 1968; 1979 AC; 1987 MR 1, Eff. Feb. 5, 1987.

R 390.564a Refund policy.

- Rule 4a. (1) A refund policy shall be described in clear, concise language in the contract, enrollment application, and school catalog. The enrollment contract shall outline the obligations of both the school and the student.
- (2) A refund policy shall provide the following:
 - (a) The tuition and fees paid by the applicant shall be refunded if the applicant is rejected by the school before enrollment. An application fee of not more than \$25.00 may be retained by the school if the application is denied.
 - (b) All tuition and fees paid by the applicant shall be refunded if requested within 3 business days after signing a contract with the school.

Annual Administrative Code Supplement
1998 – 2000 Edition

- (c) The policy shall adhere to the refund policies of applicable state, federal, and accrediting agencies.
- (3) All refunds shall be returned within 30 days.

History: 1987 MR 1, Eff. Feb. 5, 1987.

R 390.565 School catalogs or comparable publications.

Rule 5. A catalog or comparable publication shall be available to each student and shall clearly state all of the following:

- (a) Volume, number, or date of publication. Supplements to catalogs shall be filed with the department before their dates of effectiveness. All pages in the catalog shall be numbered.
- (b) Name of the school, its governing body, officials, and faculty.
- (c) Calendar of legal and scheduled holidays, vacation periods, and dates of each term or semester.
- (d) Enrollment dates and entrance requirements for each program.
- (e) Policy relative to absences, leaves, tardiness, make-up work, and interruption for unsatisfactory work or attendance.
- (f) Grading system and reentrance conditions.
- (g) Student conduct and conditions of probation or dismissal.
- (h) Tuition charges and schedule of fees for student activities, laboratories, rentals, deposits, and other charges and refunds.
- (i) Course outlines, showing units of instruction, skills to be learned, and approximate clock hours of instruction in each course.
- (j) Credit allowed for previous education and training.
- (k) If equipment to be furnished by the school and essential to the training is located at a place other than the school, it shall be so stated in the catalog.
- (l) Whether specific placement assistance is available for enrolled students.
- (m) That a certificate of achievement or diploma is awarded to graduates.
- (n) Address of the central office, if different from the address of the school.

History: 1954 ACS 55, Eff. Aug. 14, 1968; 1979 AC; 1987 MR 1, Eff. Feb. 5, 1987.

R 390.566 Advertising and recruitment.

Rule 6. (1) The content of all published literature and advertising, illustrations, diagrams, and pictures shall convey only true meaning, relationships, and conditions supported by facts and statistics about the school, its management, instruction, offerings, and opportunities.

(2) Misrepresentation as to any of the following is prohibited:

- (a) Suitable jobs.
- (b) Probable earnings.
- (c) School facilities.
- (d) Course of instruction.
- (e) Operational policy.
- (f) Management.
- (g) Charges for tuition and fees.
- (h) Available training equipment.
- (i) Qualification of instructors.
- (j) Placement activities of the school.

(3) Only such persons shall be listed or advertised as members of the staff or faculty as are regularly employed to give or directly supervise the instruction in 1 or more of the regular subjects in the school.

(4) The school shall not use blind advertisements to solicit prospective students nor shall it advertise in the "help wanted" or other employment column in newspapers or other publications. Advertising shall be in the name under which the school is licensed.

(5) A licensed school may advertise that it is licensed by the board under the laws of Michigan, but it shall not advertise that the school is recommended, endorsed, or approved by the board.

(6) An officer or employee of the school shall not knowingly induce a student to leave an educational institution at which he or she is in attendance and shall not induce a student to change his or her plans when he or she has enrolled in another school and paid a deposit.

Annual Administrative Code Supplement
1998 – 2000 Edition

History: 1954 ACS 55, Eff. Aug. 14, 1968; 1979 AC; 1987 MR 1, Eff. Feb. 5, 1987.

R 390.567 Home study schools.

Rule 7. The standards set forth in these rules apply to home study schools insofar as applicable.

History: 1954 ACS 55, Eff. Aug. 14, 1968; 1979 AC.

R 390.568 Rescission.

Rule 8. The rules entitled "Standards for Licensing and Regulation of Private Trade Schools, Business Schools, and Institutes in Michigan," being R 390.541 and R 390.542 of the Michigan Administrative Code, and appearing on pages 4012 and 4013 of the 1954 volume of the Code, are rescinded.

History: 1954 ACS 55, Eff. Aug. 14, 1968; 1979 AC.

R 390.569 Fees.

Rule 9. (1) An applicant for a temporary permit shall pay a fee of \$1,000.00 for each temporary permit issued. An out-of-state applicant for a new license shall pay a fee of \$400.00 for each new license issued. The department shall adjust fees annually and index the fees to the Detroit consumer price index, as published by the department of labor statistics, United States department of labor.

(2) An applicant for renewal of a license shall pay a fee of \$300.00 for each renewal license issued if a total of 25 or fewer students started a licensed program during the period July 1 to June 30 immediately preceding the license renewal date or if the school did not offer any instructional programs consisting of more than 40 hours of instruction. An applicant for a renewal of a license for a proprietary school that operates 1 or more instructional programs consisting of more than 40 hours of instruction shall pay a license renewal fee based on the following schedule of students who started licensed programs:

- (a) 26 to 50 students \$500.00.
- (b) 51 to 100 students 600.00.
- (c) 101 to 150 students 700.00.
- (d) 151 to 200 students 800.00.
- (e) 201 to 250 students 900.00.
- (f) 251 to 300 students 1,000.00.
- (g) 301 to 350 students 1,100.00.
- (h) 351 to 400 students 1,200.00.
- (i) 401 to 450 students 1,300.00.
- (j) 451 to 500 students 1,400.00.
- (k) More than 500 students 1,500.00.

The department shall adjust fees annually and shall index the fees to the Detroit consumer price index, as published by the department of labor statistics, United States department of labor.

(3) An applicant for renewal of a license shall pay a late payment fee of \$50.00 if the license is not renewed within 30 days after the due date.

(4) A school that moves to a new location after the initial license was issued shall pay a fee of \$300.00 for approval of each change of location.

(5) A school that submits a request for approval of a new curriculum to be added to its license shall pay a fee of \$500.00 for approval of each new curriculum.

(6) A school that submits a request for a change of school name on its license will pay a fee of \$200.00.

(7) A student who requested a copy of a transcript from a closed school will pay a fee of \$15.00.

(8) The department shall use the fees in subrules (1) to (7) of this rule entirely for the administrative expenses incurred by the department to carry out the act.

(9) A school or person shall make a payment under this rule by certified check or money order made payable to the state of Michigan.

History: 1987 MR 1, Eff. Feb. 5, 1987; 1998 MR 12, Eff. Jan. 4, 1999.

DEPARTMENT OF TREASURY
PROJECT COSTS

Annual Administrative Code Supplement
1998 – 2000 Edition

R 390.631

Source: 1997 AACCS.

PROJECT COSTS

R 390.641

Source: 1997 AACCS.

Editor's note: This rule was erroneously numbered R 390.631 in 1954 ACS 31, p. 31, a number which had previously been assigned to an other matter in 1954 ACS 14, p. 15.

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

TEACHERS' TENURE

R 390.661

Source: 1990 AACCS.

SPECIAL EDUCATION SCHOLARSHIPS

R 390.801—R 390.814

Source: 1997 AACCS.

GRANTS FOR SPECIAL EDUCATION TEACHERS

R 390.821—R 390.825

Source: 1997 AACCS.

DEPARTMENT OF TREASURY

MICHIGAN HIGHER EDUCATION ASSISTANCE AUTHORITY

TUITION GRANTS

R 390.831

Source: 1985 AACCS.

R 390.833

Source: 1985 AACCS.

R 390.834

Source: 1985 AACCS.

R 390.835

Source: 1985 AACCS.

R 390.836

Source: 1997 AACCS.

R 390.837

Source: 1997 AACCS.

R 390.838

Source: 1985 AACCS.

R 390.839

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1985 AACs.

R 390.840

Source: 1985 AACs.

R 390.841

Source: 1985 AACs.

R 390.842

Source: 1997 AACs.

R 390.845

Source: 1991 AACs.

R 390.846

Source: 1985 AACs.

R 390.848

Source: 1991 AACs.

UNDERGRADUATE SCHOLARS AWARD PROGRAM

R 390.871—R 390.880

Source: 1997 AACs.

STATE COMPETITIVE SCHOLARSHIPS

R 390.921—R 390.943

Source: 1997 AACs.

DEPARTMENT OF EDUCATION

HIGHER EDUCATION FACILITIES COMMISSION

GRANTS FOR CONSTRUCTION OF UNDERGRADUATE ACADEMIC FACILITIES

R 390.961

Source: 1997 AACs.

R 390.962

Source: 1997 AACs.

R 390.963

Source: 1997 AACs.

R 390.964

Source: 1997 AACs.

R 390.965

Source: 1997 AACs.

R 390.966—R 390.968

Source: 1997 AACs.

R 390.969

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1997 AACCS.

R 390.970, R 390.971

Source: 1997 AACCS.

R 390.972

Source: 1997 AACCS.

R 390.973

Source: 1997 AACCS.

DEPARTMENT OF TREASURY
HIGHER EDUCATION FACILITIES AUTHORITY
EDUCATIONAL LOANS

R 390.982

Source: 1997 AACCS.

R 390.983

Source: 1997 AACCS.

R 390.984

Source: 1997 AACCS.

R 390.985

Source: 1997 AACCS.

R 390.987

Source: 1997 AACCS.

R 390.988

Source: 1997 AACCS.

DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION
GRANTS FOR THE IMPROVEMENT OF UNDERGRADUATE
INSTRUCTION EQUIPMENT

R 390.1001

Source: 1997 AACCS.

R 390.1002

Source: 1997 AACCS.

R 390.1003, R 390.1004

Source: 1997 AACCS.

R 390.1005—R 390.1010

Source: 1997 AACCS.

R 390.1011, R 390.1012

Source: 1997 AACCS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 390.1013

Source: 1997 AACS.

GRANTS FOR STUDIES FOR EXTENDED SCHOOL YEAR

R 390.1051—R 390.1056

Source: 1997 AACS.

TEACHER CERTIFICATION CODE

PART 1. GENERAL PROVISIONS

R 390.1101

Source: 1989 AACS.

R 390.1111

Source: 1989 AACS.

R 390.1118

Source: 1992 AACS.

PART 2. STATE PROVISIONAL CERTIFICATES

R 390.1123

Source: 1986 AACS.

R 390.1124

Source: 1989 AACS.

R 390.1125

Source: 1989 AACS.

R 390.1126

Source: 1986 AACS.

R 390.1127

Source: 1986 AACS.

R 390.1128

Source: 1986 AACS.

R 390.1129

Source: 1989 AACS.

R 390.1129a

Source: 1989 AACS.

PART 3. STATE CONTINUING CERTIFICATES

R 390.1132

Source: 1989 AACS.

R 390.1133

Source: 1989 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 390.1134
Source: 1989 AACS.

R 390.1135
Source: 1989 AACS.

R 390.1136
Source: 1989 AACS.

PART 4. STATE SPECIAL PERMITS

R 390.1141
Source: 1989 AACS.

R 390.1142
Source: 1989 AACS.

R 390.1143
Source: 1989 AACS.

R 390.1144
Source: 1997 AACS.

R 390.1145
Source: 1989 AACS.

R 390.1146
Source: 1989 AACS.

PART 5. EDUCATIONAL INSTITUTIONS

R 390.1157
Source: 1981 AACS.

PART 6. VOCATIONAL ENDORSEMENT AND AUTHORIZATION

R 390.1162
Source: 1989 AACS.

R 390.1165
Source: 1987 AACS.

DEPARTMENT OF TREASURY
MICHIGAN HIGHER EDUCATION ASSISTANCE AUTHORITY
GUARANTEED LOAN PROGRAM

PART 1. GENERAL PROVISIONS

R 390.1401
Source: 1990 AACS.

R 390.1402
Source: 1990 AACS.

R 390.1403
Source: 1990 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 390.1404
Source: 1990 AACs.

R 390.1405
Source: 1990 AACs.

R 390.1406
Source: 1997 AACs.

R 390.1407
Source: 1990 AACs.

R 390.1409
Source: 1990 AACs.

R 390.1411
Source: 1990 AACs.

R 390.1412
Source: 1990 AACs.

R 390.1413
Source: 1990 AACs.

R 390.1415
Source: 1990 AACs.

R 390.1417
Source: 1990 AACs.

R 390.1419
Source: 1997 AACs.

R 390.1421
Source: 1990 AACs.

R 390.1422
Source: 1990 AACs.

R 390.1423
Source: 1997 AACs.

R 390.1424
Source: 1997 AACs.

R 390.1425
Source: 1997 AACs.

R 390.1426
Source: 1997 AACs.

R 390.1427
Source: 1997 AACs.

R 390.1429
Source: 1990 AACs.

PART 2. LOAN PROVISIONS AND PROCEEDS

Annual Administrative Code Supplement
1998 – 2000 Edition

R 390.1431
Source: 1990 AACS.

R 390.1432
Source: 1990 AACS.

R 390.1433
Source: 1990 AACS.

R 390.1434
Source: 1997 AACS.

R 390.1435
Source: 1997 AACS.

R 390.1436
Source: 1990 AACS.

R 390.1437
Source: 1990 AACS.

R 390.1438
Source: 1990 AACS.

PART 3. INTEREST ON LOANS

R 390.1441
Source: 1990 AACS.

R 390.1442
Source: 1990 AACS.

R 390.1443
Source: 1997 AACS.

R 390.1445
Source: 1997 AACS.

PART 4. PAYMENTS, EXTENSIONS, AND DEFERMENTS

R 390.1451
Source: 1990 AACS.

R 390.1452
Source: 1997 AACS.

R 390.1453
Source: 1997 AACS.

R 390.1455
Source: 1990 AACS.

R 390.1456
Source: 1990 AACS.

R 390.1457

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1990 AACs.

PART 5. DEFAULTED LOANS

R 390.1461

Source: 1990 AACs.

R 390.1462

Source: 1997 AACs.

R 390.1463

Source: 1997 AACs.

R 390.1464

Source: 1997 AACs.

R 390.1465

Source: 1997 AACs.

R 390.1466

Source: 1990 AACs.

R 390.1467

Source: 1990 AACs.

R 390.1468

Source: 1997 AACs.

PART 6. FORBEARANCE

R 390.1471

Source: 1990 AACs.

**PART 7. LIMITATION, SUSPENSION, OR TERMINATION OF SCHOOL OR LENDER
PARTICIPATION**

R 390.1481

Source: 1990 AACs.

R 390.1482

Source: 1990 AACs.

R 390.1483

Source: 1990 AACs.

R 390.1484

Source: 1990 AACs.

R 390.1485

Source: 1990 AACs.

R 390.1486

Source: 1990 AACs.

R 390.1487

Source: 1990 AACs.

R 390.1488

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1990 AACs.

R 390.1489

Source: 1990 AACs.

R 390.1490

Source: 1990 AACs.

R 390.1491

Source: 1990 AACs.

LEGISLATIVE MERIT AWARD PROGRAM

R 390.1502

Source: 1985 AACs.

R 390.1506

Source: 1985 AACs.

R 390.1511

Source: 1985 AACs.

COMPETITIVE SCHOLARSHIP PROGRAM

R 390.1551

Source: 1991 AACs.

R 390.1552

Source: 1991 AACs.

R 390.1553

Source: 1991 AACs.

R 390.1554

Source: 1991 AACs.

R 390.1555

Source: 1991 AACs.

R 390.1556

Source: 1985 AACs.

R 390.1557

Source: 1991 AACs.

R 390.1558

Source: 1991 AACs.

R 390.1559

Source: 1985 AACs.

R 390.1560

Source: 1991 AACs.

R 390.1561

Source: 1980 AACs.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 390.1562
Source: 1991 AACS.

R 390.1563
Source: 1997 AACS.

R 390.1563a
Source: 1985 AACS.

R 390.1564
Source: 1980 AACS.

R 390.1565
Source: 1991 AACS.

R 390.1566
Source: 1991 AACS.

R 390.1567
Source: 1991 AACS.

R 390.1568
Source: 1991 AACS.

R 390.1569
Source: 1991 AACS.

R 390.1570
Source: 1991 AACS.

R 390.1571
Source: 1991 AACS.

MICHIGAN HIGHER EDUCATION STUDENT LOAN AUTHORITY
STATE DIRECT LOAN PROGRAM

R 390.1601
Source: 1990 AACS.

R 390.1602
Source: 1990 AACS.

R 390.1603
Source: 1990 AACS.

R 390.1604
Source: 1990 AACS.

R 390.1605
Source: 1990 AACS.

R 390.1607
Source: 1990 AACS.

R 390.1609
Source: 1990 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 390.1610

Source: 1990 AACs.

R 390.1611

Source: 1990 AACs.

MICHIGAN ALTERNATIVE STUDENT LOAN PROGRAM

R 390.1621 Definitions; A to D.

Rule 1. As used in these rules:

- (a) "Academic year" means a period of not less than 7 months that represents the traditional academic year.
 - (b) "Application fee" means a nonrefundable fee which is established by the authority and which is paid by the borrower to the authority at the time an application is submitted.
 - (c) "Application period" means the period of time designated by the authority during which applications may be submitted for processing.
 - (d) "Authority" means the Michigan higher education student loan authority as authorized by 1975 PA 222, MCL 390.1151 et seq.
 - (e) "Bankruptcy" means a judicial action in which a person is declared insolvent and in which the individual's assets, if any, are taken under court administration.
 - (f) "Borrower" means a student or parent.
 - (g) "Cosigner" means a parent, legal guardian, or other responsible individual who is jointly and separately responsible for payment of the loan. Two persons may be cosigners if they reside in the same household and jointly meet the credit standards. A cosigner shall meet all of the following conditions:
 - (i) Be not less than 18 years of age.
 - (ii) Meet the credit standards.
 - (iii) Not be currently in default on federal or state educational loans.
 - (iv) Be a United States citizen or a permanent resident.
 - (h) "Cost of attendance" means the cost of tuition and fees and other expenses related to attendance as determined by an eligible school for the loan period. An eligible school shall include only those costs that are permissible under the guaranteed student loan programs pursuant to title IV, part B, of the higher education act of 1965, as amended, 20 U.S.C. §1070 et seq.
 - (i) "Credit standards" means a credit evaluation process established by the authority, which shall include an evaluation of all of the following:
 - (i) Income.
 - (ii) Debt.
 - (iii) Employment history.
 - (iv) Credit history.
 - (j) "Default" means the condition that exists when the borrower and cosigner or cosigners fail to perform any of the conditions of the promissory note or the authority has determined that the borrower or cosigner or cosigners made false representation to secure a loan.
 - (k) "Disbursed" means the date that funds are issued for the loan.
- History: 1990 MR 8, Eff. Aug. 29, 1990; 1995 MR 12, Eff. Jan. 13, 1996; 2000 MR 9, Eff. Jul. 13, 2000.

R 390.1622 Definitions; E, F.

Rule 2. As used in these rules:

- (a) "Eligible school" means a degree-granting college or university that is located in this state and that is approved by the state board of education and by the United States secretary of education for purposes of the federal family education loan program.
- (b) "Estimated financial aid" means the estimated amount of assistance for which the borrower may be eligible, excluding loans under section 428B(a) of the higher education act of 1965, as amended, 20 U.S.C. §1078-2, relating to parent loans, and subpart I of part D of title VII of the public health service act of 1944, as amended, 42 U.S.C. §294 et seq., relating to training in certain health professions.
- (c) "Forbearance" means a delay in the repayment of principal or principal and interest for a period of time

Annual Administrative Code Supplement
1998 – 2000 Edition

as authorized by the authority.

History: 1990 MR 8, Eff. Aug. 29, 1990; 1995 MR 12, Eff. Jan. 13, 1996; 2000 MR 9, Eff. Jul. 13, 2000.

R 390.1623 Definitions; I to T.

Rule 3. As used in these rules:

- (a) "Interest" means the percentage of an amount of money that is paid for its use for a specified time.
- (b) "Loan" means loans authorized under section 4a of 1975 PA 222, MCL 390.1154a.
- (c) "Loan period" means a period of time the student expects to be enrolled and for which loan assistance is being requested. A loan period shall not be more than 12 months.
- (d) "Michigan resident" means a person who is accepted for enrollment or enrolled in an eligible school located in this state or a person whose primary residence is in this state.
- (e) "Promissory note" means a note which is developed by the authority, which cites the terms and conditions of a loan, and which identifies the responsibilities of the borrower and cosigner or cosigners.
- (f) "Reserve fee" means a fee as established by the authority and paid by the borrower to the authority to establish a reserve.
- (g) "School student loan eligibility criteria" means a school evaluation process established by the authority, which may include the following:
 - (i) Graduation rate.
 - (ii) Federal cohort default rate.
 - (iii) Borrower credit readiness.
- (h) "Totally and permanently disabled" means the inability to work and earn money or attend school because of an impairment that is expected to continue indefinitely or to result in death.

History: 1990 MR 8, Eff. Aug. 29, 1990; 1995 MR 12, Eff. Jan. 13, 1996; 2000 MR 9, Eff. Jul. 13, 2000.

R 390.1624

Source: 1990 AACCS.

R 390.1625

Source: 1995 AACCS.

R 390.1626 Eligibility for loans.

Rule 6. To be eligible for a loan, all of the following requirements shall be met:

- (a) A borrower or the student shall be a Michigan resident.
- (b) The student shall have been accepted for enrollment or shall be currently in attendance at an eligible school and be making satisfactory academic progress as determined by the eligible school.
- (c) A borrower shall have submitted an application during the application period authorized by the authority.
- (d) A borrower shall be a United States citizen or permanent resident.
- (e) A borrower shall be not less than 18 years old or an emancipated minor, pursuant to the provisions of section 4 of 1968 PA 293, MCL 722.4.
- (f) One of the following loan criteria shall be met:
 - (1) A borrower or cosigner or cosigners shall meet the credit standards.
 - (2) The eligible school and borrower shall meet specific student loan eligibility criteria as determined by the authority.
- (g) The student shall demonstrate eligibility based on the cost of attendance less estimated financial aid.
- (h) A borrower or the student shall not currently be in default on any federal or state educational loans.

History: 1990 MR 8, Eff. Aug. 29, 1990; 1995 MR 12, Eff. Jan. 13, 1996; 2000 MR 9, Eff. Jul. 13, 2000.

R 390.1627

Source: 1997 AACCS.

R 390.1628

Source: 1995 AACCS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 390.1629 Loan terms.

Rule 9. (1) Loans made to eligible borrowers are subject to all of the following conditions:

- (a) The minimum loan amount shall not be less than the amount established by the authority.
- (b) The maximum loan amount per academic year is the student's cost of attendance minus estimated financial aid and shall not be more than the annual amount established by the authority.
- (c) A cumulative outstanding maximum amount to any 1 borrower shall not be more than the amount established by the authority.
- (2) The interest rates for loans shall be determined by the authority and shall not exceed the rate permitted by state law. The interest rates may be set at fixed or variable rates and there may be multiple fixed or variable interest rates. Interest shall begin to accrue on the date the loan is disbursed.
- (3) An applicant shall pay a nonrefundable application fee payable to the authority when submitting an application, if applicable.
- (4) An applicant shall pay a reserve fee that shall be deducted from the loan disbursement, if applicable.

History: 1990 MR 8, Eff. Aug. 29, 1990; 1995 MR 12, Eff. Jan. 13, 1996; 2000 MR 9, Eff. Jul. 13, 2000.

R 390.1630 Loan disbursement.

Rule 10. (1) Loan proceeds shall not be disbursed more than 1 month before the start of the loan period as specified on the application.

- (2) Loans may be disbursed after the loan period has expired if authorized by the authority.
- (3) The interest and reserve fee, if applicable, shall be refunded if the disbursed funds are returned to the authority within 30 days of the date of the disbursement.

History: 1990 MR 8, Eff. Aug. 29, 1990; 1995 MR 12, Eff. Jan. 13, 1996; 2000 MR 9, Eff. Jul. 13, 2000.

R 390.1631 Repayment terms.

Rule 11. (1) Repayment of the loan shall begin within 60 days of the date that the loan is disbursed.

- (2) The minimum payment of \$50.00 shall be paid by the borrower or cosigner or cosigners each month.
- (3) The authority may grant forbearance of principal or principal and interest payments to the borrower or cosigner or cosigners in accordance with conditions established by the authority.
- (4) The authority may offer graduated repayments or a modified repayment schedule if the repayment schedule is not in violation of the provisions of subrule (7) of this rule.
- (5) The authority may assess a late charge, which shall not be more than 6 cents for each dollar of each late installment, for a payment that is delinquent for more than 10 days.
- (6) There shall be no penalty for prepayment of a loan.
- (7) A loan shall be repaid in full within the time established by the authority.

History: 1990 MR 8, Eff. Aug. 29, 1990; 1995 MR 12, Eff. Jan. 13, 1996; 1999 MR 6, Eff. Jul. 8, 1999; 2000 MR 9, Eff. Jul. 13, 2000.

R 390.1632 Authority responsibilities for loan collection.

Rule 12. (1) The authority shall be responsible for the collection of the loan.

- (2) The authority shall make periodic reports on the borrower and cosigner or cosigners to 1 or more national credit bureaus.
- (3) The authority may accelerate payment of the loan and demand payment in full of all outstanding principal, accrued interest, and late charges if either of the following conditions occurs:
 - (a) A borrower and cosigner or cosigners default.
 - (b) A borrower or cosigner or cosigners provided false information to obtain the loan.
- (4) The authority may exercise all legal options to collect the loan.

History: 1990 MR 8, Eff. Aug. 29, 1990; 2000 MR 9, Eff. Jul. 13, 2000.

R 390.1633 Default

Rule 13. (1) If a borrower and a cosigner or cosigners do not comply with the provisions of the promissory note for a period of 120 days or more, then the loan shall be declared in default.

- (2) Collection costs incurred by the authority in the collection of defaulted loans may be charged to the account of a defaulted borrower and cosigner or cosigners.

Annual Administrative Code Supplement
1998 – 2000 Edition

History: 1990 MR 8, Eff. Aug. 29, 1990; 2000 MR 9, Eff. Jul. 13, 2000.

R 390.1634 Death of student; effect.

Rule 14. (1) The balance on a loan shall be canceled upon the death of the student. The authority shall not attempt to collect on the loan after the authority has received a death certificate or other official notification confirming the student's death.

(2) Payments received after the date of the student's death shall be returned to the sender.

History: 1990 MR 8, Eff. Aug. 29, 1990; 2000 MR 9, Eff. Jul. 13, 2000.

R 390.1635 Total and permanent disability of student; effect.

Rule 15. (1) If a student is determined to be totally and permanently disabled, then the remaining loan balance shall be canceled.

(2) The student or another party shall provide documentation of the total and permanent disability which is satisfactory to the authority.

(3) A student is not considered totally and permanently disabled on the basis of a condition that existed before he or she applied for the loan, unless the student's condition has substantially deteriorated since submission of the loan application so as to render the student totally and permanently disabled.

(4) The authority shall cease collection on a loan after the authority determines that the student is totally and permanently disabled.

(5) Payments paid after the date the student became totally and permanently disabled shall be returned to the sender.

History: 1990 MR 8, Eff. Aug. 29, 1990; 2000 MR 9, Eff. Jul. 13, 2000.

R 390.1636 Bankruptcy; effect.

Rule 16. (1) If the authority receives a notice of the first meeting of creditors from a bankruptcy court for a borrower and cosigner or cosigners, then the authority shall proceed as follows:

(a) The authority shall file proof of claim with the bankruptcy court, unless advised otherwise by the court.

(b) If, after the bankruptcy has been concluded, the authority is notified by the bankruptcy court that the loan has been discharged, then the authority shall report the bankruptcy to the credit bureau.

(c) If a payment plan is ordered by the bankruptcy court, then the bankruptcy will be reported to the credit bureau, and the authority will proceed through its collector to collect the payments as ordered by the court. Upon conclusion of the payment plan, the authority shall proceed through its collector to collect the remaining outstanding balance.

(d) If the loan is not discharged, then the authority shall establish the next payment date within 60 days. Payment shall be subject to the full force of the terms and conditions of the promissory note.

(2) If the authority receives a notice of the first meeting of creditors from a bankruptcy court for 1 of the signers of the promissory note, then the authority shall proceed as follows:

(a) The authority shall file proof of claim with the bankruptcy court, unless advised otherwise by the court.

(b) The authority shall cease billing the individual involved in the bankruptcy action.

(c) The authority may continue collections with the other signer or signers of the promissory note, as the other signer or signers remain liable for unpaid principal, interest, and late charges.

History: 1990 MR 8, Eff. Aug. 29, 1990; 1995 MR 12, Eff. Jan. 13, 1996; 2000 MR 9, Eff. Jul. 13, 2000.

HIGHER EDUCATION ASSISTANCE AUTHORITY
DIFFERENTIAL GRANT PROGRAM

R 390.1651

Source: 1985 AACs.

R 390.1652

Source: 1985 AACs.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 390.1653
Source: 1985 AACCS.

R 390.1654
Source: 1985 AACCS.

R 390.1655
Source: 1985 AACCS.

R 390.1656
Source: 1985 AACCS.

R 390.1657
Source: 1985 AACCS.

R 390.1658
Source: 1985 AACCS.

R 390.1659
Source: 1985 AACCS.

R 390.1660
Source: 1985 AACCS.

R 390.1661
Source: 1985 AACCS.

R 390.1662
Source: 1985 AACCS.

R 390.1663
Source: 1985 AACCS.

MICHIGAN WORK-STUDY UNDERGRADUATE PROGRAM

R 390.1701
Source: 1988 AACCS.

R 390.1702
Source: 1988 AACCS.

R 390.1703
Source: 1988 AACCS.

R 390.1704
Source: 1988 AACCS.

R 390.1705
Source: 1988 AACCS.

R 390.1706
Source: 1988 AACCS.

R 390.1707
Source: 1988 AACCS.

R 390.1708
Source: 1988 AACCS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 390.1709
Source: 1988 AACs.

MICHIGAN EDUCATIONAL OPPORTUNITY GRANT PROGRAM

R 390.1721
Source: 1988 AACs.

R 390.1722
Source: 1988 AACs.

R 390.1723
Source: 1988 AACs.

R 390.1724
Source: 1988 AACs.

R 390.1725
Source: 1988 AACs.

R 390.1726
Source: 1988 AACs.

R 390.1727
Source: 1988 AACs.

R 390.1728
Source: 1988 AACs.

ADULT PART-TIME GRANT PROGRAM

R 390.1751
Source: 1988 AACs.

R 390.1752
Source: 1988 AACs.

R 390.1753
Source: 1988 AACs.

R 390.1754
Source: 1988 AACs.

R 390.1755
Source: 1988 AACs.

R 390.1756
Source: 1988 AACs.

R 390.1757
Source: 1988 AACs.

R 390.1758
Source: 1988 AACs.

R 390.1759
Source: 1988 AACs.

Annual Administrative Code Supplement
1998 – 2000 Edition

MICHIGAN WORK-STUDY GRADUATE PROGRAM

R 390.1771

Source: 1988 AACCS.

R 390.1772

Source: 1988 AACCS.

R 390.1773

Source: 1988 AACCS.

R 390.1774

Source: 1988 AACCS.

R 390.1775

Source: 1988 AACCS.

R 390.1776

Source: 1988 AACCS.

R 390.1777

Source: 1988 AACCS.

R 390.1778

Source: 1988 AACCS.

R 390.1779

Source: 1988 AACCS.

MICHIGAN EDUCATION TRUST

R 390.1801 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Academic year" means the undergraduate school year consisting of 2 semesters or 3 terms or quarters beginning the first semester, term, or quarter after July 15 of any year.
- (b) "Act" means 1986 PA 316, MCL 390.1421 et seq.
- (c) "Annual undergraduate tuition cost" means a figure determined by dividing the total in-state, undergraduate tuition collected by a particular state institution of higher education for a year by the total number of in-state, undergraduate, fiscal year equated students at that particular school for that year.
- (d) "Application" means a request for acceptance into the trust made on a form, or a duplicate of a form, approved by the trust.
- (e) "Application fee" means a fee paid to the trust upon application.
- (f) "Average tuition cost" means a figure determined by adding the annual undergraduate tuition cost at each state institution of higher education and dividing that result by the total number of state institutions of higher education.
- (g) "Beneficiary" means an individual who is designated as a beneficiary in a contract with the trust. The beneficiary shall be a resident as defined in this rule when the contract is submitted to the trust.
- (h) "Community or junior college" means an educational institution described in 1963 Mich. Const., Art. VIII, Section 7.
- (i) "Contract" means any 1 of the following Michigan education trust contracts:
 - (i) Full benefits plan contract offered in 1988.
 - (ii) Limited benefits plan contract offered in 1988.
 - (iii) Community college plan contract offered in 1988.
 - (iv) Any other contract to provide educational benefits approved by the board.
- (j) "Contract processing fee" means a fee paid for the processing of a contract.

Annual Administrative Code Supplement
1998 - 2000 Edition

- (k) "Disabled" or "disability" means a limitation of an individual's learning ability that results from an injury or disease which renders the individual incapable of participating in higher education.
- (l) "Escrow account" means an account called an escrow account in any contract.
- (m) "Higher education institution" means a public educational institution, an independent, degree-granting college or university, or an out-of-state institution of higher education.
- (n) "Immediate family" has one of the following meanings:
- (i) For contracts issued in the years 1988 through 1996, the term means any of the following:
- (a) The purchaser or any of the following relations of the purchaser:
- (1) A spouse.
 - (2) A child.
 - (3) A stepchild.
 - (4) An adopted child.
 - (5) A grandchild.
 - (6) A niece or nephew.
 - (7) A ward.
- (b) Any of the following relations of the beneficiary:
- (1) A brother or sister.
 - (2) A stepbrother or stepsister.
 - (3) A cousin of the first degree.
 - (4) A mother or father.
- (c) Another person designated by the board to be a member of the immediate family.
- (ii) For contracts issued after the year 1996, the term means any of the following relations of the beneficiary:
- (a) A spouse.
 - (b) A mother or father.
 - (c) A brother or sister.
 - (d) A legally adopted brother or sister.
 - (e) A child.
 - (f) A legally adopted child.
 - (g) A spouse's child.
 - (h) A niece or nephew.
- (iii) For contracts issued after September 30, 1999, the term means any of the following relations of the beneficiary:
- (a) A spouse.
 - (b) A mother or father.
 - (c) A brother or sister.
 - (d) A legally adopted brother or sister.
- (o) "Independent, degree-granting college or university" has either of the following meanings:
- (i) For contracts issued in the years 1988 through 1996, the term means a nonpublic, associate or baccalaureate degree-granting institution of higher education approved by the State board of education and located in this State.
- (ii) For contracts issued after the year 1996, the term means a nonprofit, nonpublic, associate or baccalaureate degree-granting institution of higher education approved by the state board of education and located in this state.
- (p) "In-district tuition rate" means the tuition rate charged a student who meets the in-district residency requirements established by a particular community or junior college.
- (q) "In-state tuition rate" means the tuition rate charged a student who meets the in-state residency requirements of a particular state institution of higher education.
- (r) "Item" means any of those categories listed and numbered on the signature page of a contract.
- (s) "Lowest tuition cost" means the lowest annual tuition rate charged freshmen, sophomores, juniors, or seniors among all annual tuition rates at any state institution of higher education.
- (t) "Mandatory fee" means any fee, other than charges for credit hours, room, and board, which an educational institution requires all students to pay.
- (u) "New beneficiary" means an individual who is an immediate family member to whom contract rights

Annual Administrative Code Supplement
1998 - 2000 Edition

have been transferred.

(v) "Out-of-state institution of higher education" has one of the following meanings:

(i) For contracts issued in the years 1988 through 1996, the term means a baccalaureate degree-granting college or university located outside this State.

(ii) For contracts issued after the year 1996, the term means a nonprofit, baccalaureate degree-granting college or university located outside this State.

(w) "Person" means an individual who is a resident of the United States or a partnership, trust, association, corporation, or governmental subdivision organized or existing under the laws of the United States or any state of the United States.

(x) "Plan" means any group of contracts so identified by the trust as a plan.

(y) "Prepaid tuition amount" means the dollar amount paid for a contract, but does not include an application fee and any contract processing fee set forth in the contract.

(z) "Public educational institution" means a state institution of higher education or a community or junior college.

(aa) "Purchaser" means the person designated in a contract who makes, or is obligated to make, advance tuition payments pursuant to a contract. The purchaser, if a natural person, shall be 18 years of age or older or a trustee or a designated custodian under the provisions of 1959 PA 172, MCL 554.451 et seq., or be represented by a court-appointed or approved conservator or guardian.

(bb) "Resident" means an individual who is domiciled in or whose state of legal residence is this state.

(cc) "Secured loan" means a single-purpose installment payment loan made by a third-party lender to a purchaser for the purpose of making the total contract price.

(dd) "Termination" means a discontinuance of the right to receive educational benefits under the contract.

(ee) "Third-party lender" means a savings institution, bank, credit union, or other party which is under contract with the trust to offer secured loans for the purchase of contracts.

(ff) "Third-party servicer" means a savings institution, bank, credit union, or other party under contract with the trust to service the receipt of contracts and contract payments.

(gg) "Total contract price" means the amount paid for a contract, including any contract processing fee set forth in the contract, but not including an application fee.

(hh) "Transfer" means moving all or a portion of the contract rights from the beneficiary to a new beneficiary.

(ii) "Tuition account" means an account established by the trust in the advance tuition payment fund to hold all monies to provide educational benefits or refunds for plan contracts. This account shall not be subject to a claim for payment by a third-party lender.

(jj) "Tuition charges" means the undergraduate quarter, term, semester, or trimester charges imposed to attend a higher education institution, including mandatory fees.

(kk) "Undergraduate fiscal year equated students" means a figure determined for each state institution of higher education by dividing 1/4 of the number of credit hours necessary to receive a 4-year baccalaureate degree at that state institution of higher education into the number of credit hours for which in-state undergraduate students were enrolled.

(2) Terms defined in the act have the same meanings when used in these rules.

R 390.1802

Source: 1992 AACs.

R 390.1803

Source: 1992 AACs.

R 390.1804

Source: 1992 AACs.

R 390.1805

Source: 1997 AACs.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 390.1806

Source: 1992 AACS.

R 390.1807

Source: 1992 AACS.

R 390.1808

Source: 1992 AACS.

R 390.1809

Source: 1992 AACS.

R 390.1810

Source: 1992 AACS.

R 390.1811

Source: 1992 AACS.

R 390.1812

Source: 1992 AACS.

R 390.1813

Source: 1992 AACS.

R 390.1814

Source: 1993 AACS.

R 390.1815

Source: 1993 AACS.

R 390.1816

Source: 1992 AACS.

R 390.1817

Source: 1992 AACS.

R 390.1818

Source: 1992 AACS.

R 390.1819

Source: 1992 AACS.

R 390.1820

Source: 1992 AACS.

R 390.1821 Contract purchaser or beneficiary prohibited from directing investment of contributions.

Rule 21. A purchaser or beneficiary of a contract may not direct the investment of any contributions to the Michigan education trust or any earnings on the trust.

History: 1998 MR 2, Eff. Feb. 28, 1998.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
COMMISSION FOR THE BLIND
VENDING FACILITY PROGRAM

Annual Administrative Code Supplement
1998 – 2000 Edition

R 393.101

Source: 1983 AACS.

R 393.102

Source: 1983 AACS.

R 393.103

Source: 1983 AACS.

R 393.104

Source: 1983 AACS.

R 393.105

Source: 1983 AACS.

R 393.106

Source: 1983 AACS.

R 393.107

Source: 1983 AACS.

R 393.108

Source: 1983 AACS.

R 393.109

Source: 1983 AACS.

R 393.110

Source: 1983 AACS.

R 393.111

Source: 1983 AACS.

R 393.112

Source: 1983 AACS.

R 393.113

Source: 1983 AACS.

R 393.199

Source: 1983 AACS.

CLIENT APPEAL PROCEDURES

R 393.201

Source: 1990 AACS.

R 393.202

Source: 1997 AACS.

R 393.203

Source: 1997 AACS.

R 393.204

Source: 1997 AACS.

MICHIGAN JOBS COMMISSION

Annual Administrative Code Supplement
1998 – 2000 Edition

VOCATIONAL EDUCATION

VOCATIONAL REHABILITATION

PART 1. ELIGIBILITY FOR REHABILITATION SERVICE

R 395.1 Residence.

Rule 1. Any disabled person living in Michigan shall be considered for vocational rehabilitation.

History: 1944 ACS 4; 1954 AC; 1979 AC; rescinded 1999 MR 2, Eff. Mar. 10, 1999.

Editor's note: For former related provisions, see 1944 AC.

PART 2. PROVISION OF REHABILITATION SERVICES

R 395.21 Selection of facilities.

Rule 21. (1) It shall be policy to use the facilities best suited to the needs of the disabled person. These may be public or private but in all cases are to be fully accredited in their respective fields. The disabled person shall be granted the privilege of choosing the service facilities insofar as feasible. Generally services shall be secured in the state. The only time out-of-state facilities may be used is when the individual can be served to better advantage. When 2 similar facilities have markedly different costs, the more reasonable facility shall be used.

(2) The principal training agencies used shall be of a varied nature. Colleges, universities, and technical schools; public vocational, commercial, and technical schools of less than college grade; private trade and business schools; correspondence and extension facilities; tutorial and other facilities giving special training; and business and industrial establishments used for employment training shall be used depending upon the individual requirements of the trainee. The board may establish and maintain training facilities as needed.

(3) Physical restoration shall be secured through the services of physicians, physical therapists, occupational therapists, clinics, sanatoria, convalescent homes, and hospitals. These physical restoration facilities are to be duly accredited. The work done in this area shall be coordinated with the efforts of the public health services, crippled children agencies, state and county medical societies, and welfare agencies.

History: 1944 ACS 4; 1954 AC; 1979 AC; rescinded 1999 MR 2, Eff. Mar. 10, 1999.

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

REIMBURSED PROGRAMS OF VOCATIONAL-TECHNICAL EDUCATION

R 395.371

Source: 1988 AACS.

R 395.376

Source: 1988 AACS.

STATE LIBRARY

PART 1. GENERAL PROVISIONS

R 397.1

Source: 1997 AACS.

**Annual Administrative Code Supplement
1998 – 2000 Edition**

R 397.2, R 397.3
Source: 1997 AACCS.

PART 4. GENERAL LIBRARY FUND

R 397.45
Source: 1997 AACCS.

PART 5. STANDARDS FOR PUBLIC LIBRARIES AND LIBRARY SYSTEMS

R 397.51
Source: 1997 AACCS.

R 397.52—R 397.59
Source: 1997 AACCS.

PART 6. CERTIFICATION FOR LIBRARIANS OF PUBLIC LIBRARIES

R 397.63
Source: 1997 AACCS.

R 397.65
Source: 1997 AACCS.

R 397.66
Source: 1997 AACCS.

R 397.67
Source: 1997 AACCS.

R 397.68
Source: 1997 AACCS.

R 397.69
Source: 1997 AACCS.

R 397.71
Source: 1997 AACCS.

R 397.77—R 397.92
Source: 1997 AACCS.

**DEPARTMENT OF STATE
MICHIGAN HISTORY DIVISION
SITE PROTECTION**

R 399.101
Source: 1983 AACCS.

R 399.102
Source: 1983 AACCS.

Annual Administrative Code Supplement
1998 – 2000 Edition

FAMILY INDEPENDENCE AGENCY

CHILD DAY-CARE PROGRAM

PART 1. PUBLIC ASSISTANCE

GENERAL ASSISTANCE PROVISIONS

R 400.1

Source: 1997 AACs.

Editor's note: Former R 400.1 to R 400.20, pertaining to public assistance, were rescinded by 1954 ACS 13, p. 79. For history of the rescinded rules, see 1977 AACs, p. 242.

R 400.2

Source: 1997 AACs.

R 400.3

Source: 1997 AACs.

R 400.4

Source: 1997 AACs.

R 400.5

Source: 1997 AACs.

R 400.6

Source: 1997 AACs.

R 400.6a

Source: 1997 AACs.

SPECIAL ASSISTANCE PROVISIONS

R 400.9

Source: 1997 AACs.

R 400.10

Source: 1997 AACs.

R 400.11

Source: 1997 AACs.

R 400.12 Rescinded.

Source: 1997 AACs.

R 400.14

Source: 1997 AACs.

R 400.21—R 400.23

Source: 1997 AACs.

PART 2. INTERCOUNTY DISPUTES

R 400.31

Source: 1997 AACs.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.32

Source: 1997 AACS.

R 400.33

Source: 1997 AACS.

R 400.34

Source: 1997 AACS.

R 400.35

Source: 1997 AACS.

R 400.36

Source: 1997 AACS.

R 400.37

Source: 1997 AACS.

R 400.38

Source: 1997 AACS.

JUVENILE DETENTION HOMES

R 400.71—R 400.74

Source: 1997 AACS.

R 400.120—R 400.126

Source: 1997 AACS.

R 400.127 Rescinded.

History: 1944 ACS 8; 1954 AC; 1979 AC; rescinded 1999 MR 4, Eff. Apr. 21, 1999.

R 400.128 Rescinded.

History: 1944 ACS 8; 1954 AC; 1979 AC; rescinded 1999 MR 4, Eff. Apr. 21, 1999.

PART 3. INSPECTION AND LICENSING

SUBPART E. CHILD CARING INSTITUTIONS

R 400.141—R 400.160

Source: 1997 AACS.

R 400.161—R 400.173

Source: 1997 AACS.

R 400.174—R 400.185

Source: 1997 AACS.

BOARDING SCHOOLS FOR CHILDREN

R 400.211—R 400.216

Source: 1997 AACS.

PART 4. DIVISION OF SERVICES FOR THE BLIND

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.254

Source: 1982 AACS.

R 400.261—R 400.276

Source: 1997 AACS.

Editor's note: Former R 400.261—R 400.272, deriving from 1954 AC, pp. 4333-4336, were rescinded by 1954 ACS 5, Eff. Feb. 15, 1956. For history of the rescinded rules, see 1955 AACS, p. 114.

PART 9. HEARINGS, APPEALS, AND DECLARATORY RULINGS

R 400.904 Request for hearing; timeliness.

Rule 904. (1) A request for a hearing shall be in writing and signed by the claimant, petitioner, or on his behalf by his authorized representative.

(2) The request may be filed with the state department office in Lansing or a local county office. When filed with the local county department office, it shall be forwarded immediately to the state department office.

(3) Freedom to make a request for a hearing shall not be limited or interfered with in any way. The agency shall assist a claimant to submit and process his request.

(4) A claimant shall be provided 90 days from the mailing of the notice in R 400.902 to request a hearing.

(5) When a claimant requests a hearing within the timely notice period, assistance shall not be suspended, reduced, discontinued, or terminated until a decision is rendered after a hearing, unless:

(a) A determination is made at the hearing by the administrative law judge that the sole issue is one of state or federal law or policy. The administrative law judge shall inform a claimant promptly in writing that assistance is to be discontinued pending the final decision if the sole issue is one of state or federal law or policy, subject to this issue being reconsidered in the final decision.

(b) A subsequent change affecting a recipient's grant occurs while the hearing decision is pending and a recipient fails to request a hearing after notice of the subsequent change.

(6) When an appeal is filed from a written notice of revocation, denial, or refusal to renew a license within 30 days of receipt of the written notice, the denial, revocation, or refusal to review shall be held in abeyance pending the final decision.

History: 1954 ACS 61, Eff. Feb. 16, 1970; 1954 ACS 84, Eff. Sept. 10, 1975; 1979 AC.

R 400.906 Denial or dismissal of request for hearing.

Rule 906. (1) The department shall deny or dismiss the request for a hearing if:

(a) A request is withdrawn by a claimant, counsel, or petitioner in writing prior to the signing of the final decision and order.

(b) The issue is one of state or federal law, requiring automatic grant adjustments for classes of recipients.

(c) A claimant abandons the hearing.

(d) The department has no jurisdiction over the matter.

(e) An issue is not appealable as authorized by R 400.903.

(2) Abandonment occurs if a claimant, without good cause therefor, fails to appear by himself or by his authorized representative at the scheduled hearing.

History: 1954 ACS 61, Eff. Feb. 16, 1970; 1954 ACS 84, Eff. Sept. 10, 1975; 1979 AC.

R 400.907

Source: 1993 AACS.

R 400.916

Source: 1993 AACS.

R 400.917 Decisions.

Rule 917. (1) A decision shall be based exclusively on the administrative law judge's opinion, evidence, and other material introduced at the hearing.

(2) The record shall consist of the transcript or recording of testimony and exhibits, or an official report that contains the substance of what transpired at the hearing, together with all exhibits and requests filed in the proceeding and the recommendation of the administrative law judge. The record shall be available to

Annual Administrative Code Supplement
1998 – 2000 Edition

the claimant at a place that is accessible to the claimant or the claimant's representative.

(3) Prompt, definitive, and final administrative action shall be taken within 90 days of the request for a hearing, unless otherwise provided by governing state or federal law or rules.

(4) All parties and their representatives shall be promptly notified, in writing, by mail, of the decision. The decision shall include the director's decision and order and the administrative law judge's opinion.

(5) The director shall have discretion to delegate final decision-making authority to the administrative law judge who hears the case or to supervisory administrative law judges in certain cases. Such delegation shall be in writing, shall be dated, and shall clearly specify the scope of the final decision making authority to be conferred.

History: 1954 ACS 84, Eff. Sept. 10, 1975; 1979 AC; 1993 MR 10, Eff. Nov. 6, 1993.

R 400.919

Source: 1993 AACS.

R 400.941

Source: 1997 AACS.

R 400.951

Source: 1985 AACS.

PART 10. CHILDREN'S CAMPS

R 400.1001—R 400.1068

Source: 1997 AACS.

OFFICE OF ADULT AND FAMILY COMMUNITY SERVICES

ADULT HOME HELP SERVICES PAYMENTS

R 400.1101

Source: 1980 AACS.

R 400.1102

Source: 1980 AACS.

R 400.1103

Source: 1980 AACS.

R 400.1104

Source: 1980 AACS.

R 400.1105

Source: 1980 AACS.

R 400.1106

Source: 1980 AACS.

R 400.1107

Source: 1980 AACS.

FAMILY SERVICES ADMINISTRATION

INTENTIONAL PROGRAM VIOLATIONS

R 400.1121 Rescinded.

History: 1993 MR 10, Eff. Nov. 2, 1993; rescinded 1998 MR 7, Eff. July 23, 1998.

Annual Administrative Code Supplement
1998 – 2000 Edition

BUREAU OF REGULATORY SERVICES

GOOD MORAL CHARACTER

R 400.1151

Source: 1988 AACS.

R 400.1152

Source: 1988 AACS.

R 400.1153

Source: 1988 AACS.

YOUTH PAROLE AND REVIEW BOARD

PART 1. GENERAL PROVISIONS

R 400.1201—R 400.1211

Source: 1997 AACS.

Editor's note: These rules were rescinded pursuant to the provisions of section 31(2) of Act No. 306 of the Public Acts of 1969, as amended, being §24.231(2) of the Michigan Compiled Laws.

PART 2. GENERAL RULES OF PROCEDURE

R 400.1221—R 400.1229

Source: 1997 AACS.

Editor's note: These rules were rescinded pursuant to the provisions of section 31(2) of Act No. 306 of the Public Acts of 1969, as amended, being §24.231(2) of the Michigan Compiled Laws.

PART 3. RELEASES

R 400.1231—R 400.1233

Source: 1997 AACS.

Editor's note: These rules were rescinded pursuant to the provisions of section 31(2) of Act No. 306 of the Public Acts of 1969, as amended, being §24.231(2) of the Michigan Compiled Laws.

PART 4. VIOLATION OF CONDITIONS, RETURN FROM RELEASE

R 400.1241—R 400.1246

Source: 1997 AACS.

Editor's note: These rules were rescinded pursuant to the provisions of section 31(2) of Act No. 306 of the Public Acts of 1969, as amended, being §24.231(2) of the Michigan Compiled Laws.

PART 5. DISCHARGE

R 400.1251

Source: 1997 AACS.

Editor's note: These rules were rescinded pursuant to the provisions of section 31(2) of Act No. 306 of the Public Acts of 1969, as amended, being §24.231(2) of the Michigan Compiled Laws.

PART 6. REVIEW

R 400.1261—R 400.1265

Source: 1997 AACS.

Editor's note: These rules were rescinded pursuant to the provisions of section 31(2) of Act No. 306 of the Public Acts of 1969, as amended, being §24.231(2) of the Michigan Compiled Laws.

DIVISION OF CHILD DAY CARE LICENSING

FAMILY DAY CARE HOMES

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.1301—R 400.1321

Source: 1997 AACs.

ADULT FOSTER CARE LICENSING DIVISION

ADULT FOSTER CARE FAMILY HOMES

R 400.1401

Source: 1984 AACs.

R 400.1402

Source: 1984 AACs.

R 400.1403

Source: 1984 AACs.

R 400.1404

Source: 1984 AACs.

R 400.1405

Source: 1984 AACs.

R 400.1406

Source: 1984 AACs.

R 400.1407

Source: 1984 AACs.

R 400.1408

Source: 1984 AACs.

R 400.1409

Source: 1984 AACs.

R 400.1410

Source: 1984 AACs.

R 400.1411

Source: 1984 AACs.

R 400.1412

Source: 1984 AACs.

R 400.1413

Source: 1984 AACs.

R 400.1414

Source: 1984 AACs.

R 400.1415

Source: 1984 AACs.

R 400.1416

Source: 1984 AACs.

R 400.1417

Source: 1984 AACs.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.1418
Source: 1984 AACs.

R 400.1419
Source: 1984 AACs.

R 400.1420
Source: 1984 AACs.

R 400.1421
Source: 1984 AACs.

R 400.1422
Source: 1984 AACs.

R 400.1423
Source: 1984 AACs.

R 400.1424
Source: 1984 AACs.

R 400.1425
Source: 1984 AACs.

R 400.1426
Source: 1984 AACs.

R 400.1427
Source: 1984 AACs.

R 400.1428
Source: 1984 AACs.

R 400.1429
Source: 1984 AACs.

R 400.1430
Source: 1984 AACs.

R 400.1431
Source: 1984 AACs.

R 400.1432
Source: 1984 AACs.

R 400.1433
Source: 1984 AACs.

R 400.1434
Source: 1984 AACs.

R 400.1435
Source: 1984 AACs.

R 400.1436
Source: 1984 AACs.

R 400.1437
Source: 1984 AACs.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.1438
Source: 1984 AACS.

R 400.1439
Source: 1984 AACS.

R 400.1440
Source: 1984 AACS.

R 400.1441
Source: 1984 AACS.

R 400.1442
Source: 1984 AACS.

ADULT FOSTER CARE SMALL GROUP HOMES FOR SIX OR LESS, FIRE SAFETY

R 400.1601—R 400.1613
Source: 1997 AACS.

FAMILY AND GROUP DAY CARE HOMES

PART 1. GENERAL PROVISIONS

R 400.1801
Source: 1989 AACS.

R 400.1802
Source: 1989 AACS.

R 400.1803
Source: 1989 AACS.

R 400.1804
Source: 1989 AACS.

R 400.1805
Source: 1989 AACS.

R 400.1806
Source: 1989 AACS.

R 400.1807
Source: 1989 AACS.

R 400.1808
Source: 1989 AACS.

R 400.1809
Source: 1989 AACS.

R 400.1810
Source: 1989 AACS.

R 400.1811
Source: 1989 AACS.

R 400.1812

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1989 AACS.

R 400.1813
Source: 1989 AACS.

R 400.1814
Source: 1989 AACS.

R 400.1815
Source: 1989 AACS.

R 400.1816
Source: 1989 AACS.

R 400.1817
Source: 1989 AACS.

R 400.1818
Source: 1989 AACS.

R 400.1819
Source: 1989 AACS.

PART 2. ENVIRONMENT

R 400.1821
Source: 1989 AACS.

R 400.1822
Source: 1989 AACS.

PART 3. FIRE SAFETY

R 400.1831
Source: 1989 AACS.

R 400.1832
Source: 1989 AACS.

R 400.1833
Source: 1989 AACS.

R 400.1834
Source: 1989 AACS.

R 400.1835
Source: 1989 AACS.

PART 4. TRANSPORTATION: FIELD TRIPS

R 400.1841
Source: 1989 AACS.

R 400.1842
Source: 1989 AACS.

PART 5. TRAINING

R 400.1851

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1989 AACS.

OFFICE OF CHILDREN AND YOUTH SERVICES
CHILD CARE FUND

PART 1. GENERAL PROVISIONS

R 400.2001

Source: 1987 AACS.

R 400.2002

Source: 1987 AACS.

R 400.2003

Source: 1987 AACS.

R 400.2004

Source: 1987 AACS.

R 400.2005

Source: 1987 AACS.

R 400.2006

Source: 1987 AACS.

R 400.2007

Source: 1987 AACS.

R 400.2008

Source: 1987 AACS.

R 400.2009

Source: 1987 AACS.

R 400.2010

Source: 1987 AACS.

R 400.2011

Source: 1987 AACS.

PART 2. ELIGIBLE EXPENDITURE CLASSIFICATIONS

R 400.2021

Source: 1987 AACS.

R 400.2022

Source: 1987 AACS.

R 400.2023

Source: 1987 AACS.

R 400.2024

Source: 1987 AACS.

R 400.2025

Source: 1987 AACS.

**Annual Administrative Code Supplement
1998 – 2000 Edition**

R 400.2026
Source: 1987 AACS.

R 400.2027
Source: 1987 AACS.

R 400.2028
Source: 1987 AACS.

PART 3. ACCOUNTING

R 400.2031
Source: 1987 AACS.

PART 4. REPORTING

R 400.2041
Source: 1987 AACS.

R 400.2042
Source: 1987 AACS.

R 400.2043
Source: 1987 AACS.

R 400.2044
Source: 1987 AACS.

R 400.2045
Source: 1987 AACS.

R 400.2046
Source: 1987 AACS.

R 400.2047
Source: 1987 AACS.

R 400.2048
Source: 1987 AACS.

R 400.2049
Source: 1987 AACS.

ADULT FOSTER CARE LICENSING DIVISION

ADULT FOSTER CARE FACILITIES

PART 1. GENERAL PROVISIONS

R 400.2101
Source: 1997 AACS.

R 400.2102
Source: 1997 AACS.

R 400.2103
Source: 1997 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.2104
Source: 1997 AACS.

R 400.2105
Source: 1997 AACS.

R 400.2106
Source: 1997 AACS.

R 400.2111
Source: 1997 AACS.

R 400.2112
Source: 1997 AACS.

R 400.2113
Source: 1997 AACS.

R 400.2114
Source: 1997 AACS.

R 400.2115
Source: 1997 AACS.

R 400.2116
Source: 1997 AACS.

R 400.2117
Source: 1997 AACS.

R 400.2118
Source: 1997 AACS.

R 400.2119
Source: 1997 AACS.

R 400.2120
Source: 1997 AACS.

R 400.2121
Source: 1997 AACS.

R 400.2122
Source: 1997 AACS.

PART 2. FAMILY HOMES, FIRE SAFETY

R 400.2201
Source: 1984 AACS.

R 400.2202—R 400.2224
Source: 1997 AACS.

R 400.2231
Source: 1984 AACS.

R 400.2232
Source: 1997 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.2233

Source: 1984 AACS.

R 400.2234

Source: 1997 AACS.

R 400.2241

Source: 1997 AACS.

R 400.2242

Source: 1984 AACS.

R 400.2243

Source: 1984 AACS.

R 400.2248—R 400.2257

Source: 1997 AACS.

R 400.2271—R 400.2275

Source: 1997 AACS.

PART 3. GROUP HOMES

R 400.2301

Source: 1997 AACS.

R 400.2302

Source: 1997 AACS.

R 400.2303

Source: 1997 AACS.

R 400.2304—R 400.2324

Source: 1997 AACS.

R 400.2331—R 400.2334

Source: 1997 AACS.

R 400.2341—R 400.2347

Source: 1997 AACS.

R 400.2348—R 400.2357

Source: 1997 AACS.

R 400.2361

Source: 1997 AACS.

R 400.2371—R 400.2375

Source: 1997 AACS.

R 400.2376

Source: 1982 AACS.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF REGULATORY SERVICES

ADULT FOSTER CARE FACILITIES

Annual Administrative Code Supplement
1998 – 2000 Edition

PART 5. FIRE SAFETY; CONGREGATE FACILITIES

R 400.2501 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2502 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2503 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2504 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2505 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2506 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2507 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2508 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2509 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2510 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2511 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2512 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2513 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998my job.

R 400.2514 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2515 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2516 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.2517 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2518 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2519 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2520 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2521 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2531 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2532 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2533 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2534 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2535 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2536 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2537 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2538 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2539 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2540 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2541 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2542 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2543 Rescinded.

Annual Administrative Code Supplement
1998 – 2000 Edition

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2544 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2545 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2551 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2552 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2553 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2554 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2555 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2556 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2557 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2558 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2559 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2560 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2561 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2562 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975, 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2563 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2564 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2565 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.2566 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

R 400.2567 Rescinded.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 1998 MR 11, Eff. Dec. 11, 1998.

FAMILY SERVICES ADMINISTRATION
FOOD STAMP PROGRAM

R 400.3001

Source: 1997 AACS.

R 400.3002

Source: 1997 AACS.

R 400.3003

Source: 1997 AACS.

R 400.3004

Source: 1997 AACS.

R 400.3005

Source: 1997 AACS.

R 400.3006

Source: 1997 AACS.

R 400.3007

Source: 1997 AACS.

R 400.3008

Source: 1997 AACS.

R 400.3009

Source: 1997 AACS.

R 400.3010

Source: 1997 AACS.

R 400.3011

Source: 1997 AACS.

R 400.3012

Source: 1997 AACS.

R 400.3013

Source: 1997 AACS.

R 400.3014

Source: 1997 AACS.

R 400.3015

Source: 1997 AACS.

FAMILY INDEPENDENCE PROGRAM

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.3101
Source: 1997 AACs.

R 400.3102
Source: 1997 AACs.

R 400.3103
Source: 1997 AACs.

R 400.3104
Source: 1997 AACs.

R 400.3105
Source: 1997 AACs.

R 400.3106
Source: 1997 AACs.

R 400.3107
Source: 1997 AACs.

R 400.3108
Source: 1997 AACs.

R 400.3109
Source: 1997 AACs.

R 400.3110
Source: 1997 AACs.

R 400.3111
Source: 1997 AACs.

R 400.3112
Source: 1997 AACs.

R 400.3113
Source: 1997 AACs.

R 400.3114
Source: 1997 AACs.

R 400.3115
Source: 1997 AACs.

R 400.3116
Source: 1997 AACs.

R 400.3117
Source: 1997 AACs.

R 400.3118
Source: 1997 AACs.

R 400.3119
Source: 1997 AACs.

R 400.3120
Source: 1997 AACs.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.3121

Source: 1997 AACS.

R 400.3122

Source: 1997 AACS.

R 400.3123

Source: 1997 AACS.

R 400.3124

Source: 1997 AACS.

R 400.3125

Source: 1997 AACS.

R 400.3126

Source: 1997 AACS.

R 400.3127

Source: 1997 AACS.

R 400.3128

Source: 1997 AACS.

R 400.3129

Source: 1997 AACS.

R 400.3130

Source: 1997 AACS.

R 400.3131

Source: 1997 AACS.

FAMILY INDEPENDENCE AGENCY

FAMILY SERVICES ADMINISTRATION

STATE DISABILITY ASSISTANCE PROGRAM

R 400.3151 Definitions.

Rule 1. As used in these rules:

(a) "Administrative recoupment" means a process by which a group's benefits are reduced to make payments on an overissuance.

(b) "Agency errors" means overissuances caused from incorrect actions by the family independence agency (FIA).

© "Application" means an application for state disability assistance.

(d) "Application filing date" means the date the agency receives a signed application document that contains the minimum required information.

(e) "Authorized representative" means a person who is not less than 18 years of age and who applies for assistance on behalf of a client or otherwise acts on a client's behalf, or both. The person may be, but is not limited to, a guardian, spouse, or relative outside the group.

(f) "Client error" means overissuances caused from actions or inactions by a client or an authorized representative. An overissuance that results from an FIA action being discontinued due to a client's hearing request is client error if a client withdraws his or her request, fails to show for the hearing, or the FIA's action is upheld at the hearing.

Annual Administrative Code Supplement
1998 – 2000 Edition

- (g) "Collection actions" means FIA processes initiated to maximize the recovery of overissued benefits.
- (h) "Collateral contact" means contact with an information source other than the client through written correspondence, a telephone interview, or an interview other than at the client's home.
- (i) "Crediting" means returning the warrant amount to the state treasury.
- (j) "Disqualification" means an FIA penalty action for noncooperation with a state disability assistance program requirement that results in the ineligibility of the noncompliant person.
- (k) "Domiciliary care" means the provision of meals, lodging, and the supervision of basic daily living activities.
- (l) "Grantee" means the person who is responsible for the verbal and written communications between the group and the FIA, and in whose name program benefits are generated and received.
- (m) "Group" means the state disability assistance group.
- (n) "Institution" means an establishment that furnishes food, shelter, and some treatment or services to more than 3 people who are unrelated to the proprietor.
- (o) "Intentional program violation" means an action that occurs when a client or authorized representative intentionally withholds or misrepresents information for the purpose of obtaining benefits that he or she would not otherwise be eligible for. An overissuance becomes an intentional program violation if a client or client's authorized representative is found to be responsible for an intentional program violation by a court or as a result of an administrative hearing or has signed a disqualification agreement.
- (p) "Mail date" means the date a regular assistance warrant was issued.
- (q) "Mandatory vendoring" means an agency payment of assistance amounts, without client request, directly to the client's landlord, mortgage holder, or land contract holder and to the providers of the client's home heating and electricity services.
- (r) "Monthly payment amount" means the amount of assistance paid to a group after deductions for vendoring and any agency recoupment.
- (s) "Overissuance" means an issuance of more benefits than the client is eligible for.
- (t) "Overissuance period" means the time period during which the overissuance occurred.
- (u) "Overissuance type" means the reason an overissuance occurred. The 3 types of overissuances are agency error, client error, and client intentional program violation.
- (v) "Pay period" means the first through the fifteenth of the month or the sixteenth through the end of the month.
- (w) "Personal care" means the provision of meals, lodging, supervision, and personal assistance in basic daily living activities.
- (x) "Potential benefits" means any of the following benefits:
 - (i) Retirement, survivors, and disability insurance.
 - (ii) Worker's compensation benefits.
 - (iii) Veterans administration benefits.
 - (iv) Railroad retirement benefits.
 - (v) Pension payments.
 - (vi) Disability or retirement benefits.
 - (vii) Earned but unpaid wages.
 - (viii) Strike pay.
 - (ix) Vacation pay.
 - (x) Supplemental security income.
 - (xi) Family independence program benefits.
 - (xii) Other than state-funded, needs-based programs, any other financial benefits for which potential eligibility exists and which may reduce the state disability assistance program benefit.
- (y) "Program group" means the persons whose income and assets are considered for purposes of determining financial eligibility for state disability assistance.
- (z) "Provider" means the owner or operator of a special living arrangement facility.
- (aa) "Reapplication" means an application for state disability assistance after a previous case closure.
- (bb) "Recoupment" means an FIA action to identify and recover a benefit overissuance.
- (cc) "Redetermination" means a review of continuing eligibility for state disability assistance.
- (dd) "Redirecting" means routing a warrant to a different address.

Annual Administrative Code Supplement
1998 – 2000 Edition

- (ee) "Reinstatement" means restoring a closed assistance case to active status without a new application/redetermination form.
- (ff) "Repayment" means an action by a client to pay back benefits received.
- (gg) "Restricted payments" means the meeting of client shelter, heat, and utilities obligations through mandatory vendoring or third-party payments.
- (hh) "Returned warrants" means uncashed warrants received by the local FIA office or treasury.
- (ii) "Special living arrangement" means any of the following:
- (A) An adult foster care facility.
 - (B) A county infirmary.
 - (C) A substance abuse treatment center.
 - (D) A home for the aged.
 - (E) A long-term care facility.
 - (F) A hospital.
- (jj) "State disability assistance group" means the members of a program group who receive state disability assistance.
- (kk) "Stop payment" means an FIA directive to treasury to not honor a warrant.
- (ll) "Third-party payments" mean an agency payment of a client's entire assistance benefit, without client request, to an agency or person outside the eligible group for management of the assistance on behalf of the group.
- (mm) "Third-party resource" means a person, entity, or program that is, or might be, liable to pay all or part of a group member's medical expenses.
- (nn) "Treasury" means the Michigan department of treasury.
- (oo) "Underissuance" means that a group receives less cash assistance than it is eligible to receive.
- (pp) "Verification" means documentation or other evidence to establish the accuracy of a client's verbal or written statements.
- (qq) "Voluntary vendoring" means a payment system whereby, at a client's request, the agency sends part of the client's cash assistance directly to the provider of shelter, heat, or electricity.
- (rr) "Warrant date" means the date shown on a warrant. For regular client and vendor warrants, the warrant date is the expected date of delivery. For replacement warrants, the warrant date is the date the warrant was mailed.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3152 Group composition.

Rule 2. (1) If an individual requests state disability assistance, then the following persons are in the program group and, if eligible, in the state disability assistance group:

- (a) The individual who requests assistance.
 - (b) The individual's spouse, if the spouse is living in the home with the individual.
- (2) State disability assistance is limited to needy persons who are 18 years or older and to emancipated minors who meet all eligibility criteria.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3153 Temporary absence from home.

Rule 3. (1) A person is temporarily absent from the home if all of the following provisions apply:

- (a) The person's location is known.
 - (b) There is a definite plan for the person's return.
 - (c) The person lived with the group before the absence.
 - (d) The absence has lasted, or is expected to last, 30 calendar days or less.
- (2) The 30-calendar-day provision in subrule (1)(d) of this rule does not apply if the absence is due to hospitalization, training, or education.
- (3) A person who meets the criteria for being temporarily absent specified in subrules (1) and (2) of this rule is considered to be living in the home and continues to receive assistance.

Annual Administrative Code Supplement
1998 – 2000 Edition

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3154 Institutional status; eligibility for state disability assistance.

Rule 4. (1) A person who is in an institution for more than 30 calendar days is not eligible for state disability assistance.

(2) If a person is placed in an institution, it is presumed that he or she will remain there more than 30 calendar days unless a shorter stay is verified.

(3) Notwithstanding subrules (1) and (2) of this rule, a person in any of the following institutions may be eligible for state disability assistance if all other eligibility criteria are met:

(a) A home for the aged.

(b) A county infirmary.

(c) An adult foster care home.

(d) A substance abuse treatment center.

(e) A department of corrections contract facility for probationers.

(f) A technical institute and rehabilitation center operated by Michigan rehabilitation services.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3155 Applications for assistance.

Rule 5. (1) Any person, regardless of age, may apply for assistance for himself or herself. With the group's permission, a person who is more than 18 years of age may be authorized to represent, and apply on behalf of, the group.

(2) An applicant may submit an application by fax on a form prescribed by the FIA. The FIA must receive the original, signed application before benefits are approved.

(3) A person shall complete an FIA application form when first applying for assistance benefits and when eligibility is redetermined.

(4) If an application contains the minimum information established by the FIA, including the signature of the client or authorized representative, then the FIA shall accept and register the application as soon as it is filed.

(5) Upon receipt of an incomplete application, FIA staff shall give or send a client an appropriate form that identifies the information needed to render the application complete and shall specify a due date by which the information must be provided. Eligibility shall be denied, or an ongoing assistance case shall be terminated, if an application remains incomplete. An incomplete application is valid through the last day of the month after the month of denial or termination and may be updated during that period.

(6) As part of the application and redetermination process, the FIA may conduct an official, confidential interview with a client, another responsible applicant group member, or an authorized representative. An interview shall be conducted in an FIA local office during normal weekday office hours. The FIA may conduct an interview in the group's home if the client is physically unable to come to the office and if the group has no one else to help or to come to the office on its behalf.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3156 Verification of eligibility factors.

Rule 6. (1) A group shall provide the FIA with verification of the factors that affect the initial and continued eligibility of the group or its individual members in the state disability assistance program, including information obtained by data exchanges.

(2) The FIA shall provide a client with a written notice of the factors that must be verified and the due date for submitting verification to the local office of the FIA.

(3) FIA staff may visit a group's home to verify eligibility information or to conduct other FIA business. A group shall cooperate with FIA home visits.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3157 Determination of eligibility and assistance amount.

Rule 7. The FIA shall determine the eligibility of each person in a program group and the amount of assistance for which the group qualifies.

Annual Administrative Code Supplement
1998 – 2000 Edition

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3158 Beginning of assistance benefits.

Rule 8. The earliest that FIA shall begin assistance benefits is the half-month pay period after the pay period that includes the application filing date, if the group is eligible for that pay period. The latest that the FIA shall begin assistance benefits is the pay period in which the application becomes 30 calendar days old, if the group is eligible for that pay period. If the application becomes 30 calendar days old and the group has not met eligibility requirements, then the FIA shall begin assistance benefits for the pay period in which all eligibility requirements are met.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3159 Client responsibility to cooperate with FIA; effect of failure to cooperate.

Rule 9. (1) A client shall cooperate with FIA staff in determining initial and ongoing eligibility and benefit levels. Cooperation includes all of the following:

- (a) Answering completely and truthfully all questions on FIA forms and during interviews.
 - (b) Taking all actions within the client's ability to verify factors concerning the client's eligibility.
 - (c) Cooperating with FIA staff during quality control reviews.
 - (d) Reporting accurate information that potentially affects eligibility or benefit amount within 10 calendar days after the information is known to the client.
- (2) Failure to cooperate with the FIA in any matter of eligibility will result in denial of the assistance application or case closure, member disqualification, or benefit level reduction.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3160 Eligibility; citizenship and alien status.

Rule 10. (1) To be eligible for assistance benefits, a person shall be either of the following:

- (a) A citizen of the United States.
 - (b) An alien qualified to receive supplemental security income as provided under title IV, section 402 of Public Law 104-193, 8 U.S.C. §1612.
- (2) An alien who is qualified as specified in subrule (1)(b) of this rule shall verify the qualification. An alien who is unable to provide verification or who refuses to cooperate with the FIA in obtaining verification is ineligible for assistance benefits.
- (3) Subrule (1)(b) of this rule notwithstanding, a refugee or asylee who loses eligibility for the federal supplemental security income program by virtue of exceeding the maximum time limit for eligibility as delineated in Public Law 104-193 and who otherwise meets the eligibility criteria for the state disability assistance program shall be eligible to receive benefits under the state disability assistance program.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3161 Mandatory vendoring or third-party payments.

Rule 11. (1) If the FIA determines that a grantee's negligence has resulted in the mismanagement of funds and has endangered the health or safety of a group member, then, subject to subrule (2) of this rule, the FIA shall initiate mandatory vendoring or third-party payments.

(2) The FIA's decision to initiate third-party payments or mandatory vendoring shall be based on the seriousness of the client endangerment, the availability of a competent third-party payee, and the qualification of shelter providers.

(3) Mandatory vendoring shall be limited to the monthly combined shelter, heat, and utility expenses. A client shall receive a minimum \$2.00 monthly payment amount after vendoring and other required deductions from the payment standard.

(4) A group in restricted payment status has the right to an FIA review of the need to continue mandatory vendoring or third-party payments at least once every 6 months.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3162 Voluntary vendoring.

Rule 12. (1) A group may request voluntary vendoring at any time by completing an FIA vendor payment

Annual Administrative Code Supplement
1998 – 2000 Edition

form.

(2) As part of a voluntary vendoring request, a group that has heat and electricity obligations shall request vendor payments for both services unless vendoring both would leave a monthly payment amount of less than \$2.00. The FIA or a utility company shall establish vendored amounts for heat and electricity based on the assistance payment standard.

(3) A group may specify any monthly shelter amount that is not less than \$2.00 to be vendored if vendoring would leave a monthly payment amount of at least \$2.00.

(4) The FIA shall cease voluntary vendor payments as soon as administratively feasible when requested in writing by a client.

(5) The FIA shall not authorize voluntary vendor payments for rent under any of the following circumstances:

(a) The local housing authority notifies the FIA that the dwelling fails to meet the housing code or that the landlord has failed to cooperate with housing code policies and procedures. In this situation, the FIA shall discontinue ongoing vendoring within 5 workdays if administratively feasible.

(b) The landlord has not cooperated with the FIA or a utility company in the installation of energy conservation measures that were determined necessary to reduce energy consumption. In this situation, the FIA shall discontinue ongoing vendoring within 5 workdays if administratively feasible.

(c) Title to the rental property reverts to the state of Michigan or local municipality for nonpayment of property taxes.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3163 Special living arrangements.

Rule 13. (1) A client who resides in an adult foster care facility, county infirmary, or home for the aged may be eligible for a client incidental allowance and for provider payment.

(2) A client who resides in a substance abuse treatment center, long-term care facility, or hospital may be eligible for a client incidental allowance, but is not eligible for provider payment.

(3) A special living arrangement facility must be licensed in order to receive payment.

(4) The FIA must determine a client's level of care to be either domiciliary care or personal care before provider payment may be authorized.

(5) Provider payment for a special living arrangement may begin up to 10 calendar days before the application filing date for an eligible client who was residing in a facility 10 days before the date of application.

(6) Subject to subrule (5) of this rule, per diem provider payment eligibility begins the day an eligible client enters a special living arrangement facility and ends the day the client becomes ineligible for assistance or the day before the date of discharge, whichever is earlier.

(7) If a client's failure to report timely, complete, and accurate information results in an overpayment for special living arrangement care, then the amount overpaid shall be recovered from the client.

(8) If a provider of special living arrangement care is overpaid as a result of incorrect provider billing or level of care authorization, then the amount overpaid shall be recovered from the provider.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3164 Changes in group's circumstances.

Rule 14. (1) A group shall report a change in circumstance within 10 days of the change.

(2) The FIA will act on changes that continue for at least 1 month beyond the month in which the change was reported.

(3) A group member addition or change in income that results in a benefit increase must affect the benefit level for the month after the month the change occurred, if the addition or change is reported timely. If a group member addition or change in income that results in a benefit increase is reported late, then the effective month of the increase is the month after the month the change is reported and verified.

(4) A change other than the changes specified in subrule (3) of this rule must affect the first full benefit month that begins no later than 10 days after the change is reported. The FIA may affect the first full benefit month that begins earlier than 10 days after the change is reported, if administratively possible. A benefit month is the calendar month for which assistance is paid. Assistance may be paid for ½ of the benefit

Annual Administrative Code Supplement
1998 – 2000 Edition

month or for a full benefit month, depending upon a group's eligibility for payment.

(5) A change that results in case closure may affect the month in which the change occurred.

(6) If a change in a group's assets results in exceeding the asset standard established by the FIA, then the group is ineligible for benefits for 1 month or for as long as the assets exceed the standard, whichever is longer. In this situation, the month in which assistance is closed is either the month following the month in which the group obtained the asset or, if administratively feasible, the second month following the month in which the group obtained the assets.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3165 Determination of eligibility and benefit levels; use of data base matching.

Rule 15. The FIA will use information available through data base matching to determine eligibility and benefit levels for clients.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3166 Social security numbers; client verification or cooperation in obtaining number.

Rule 16. A client shall verify his or her social security number or cooperate in obtaining a social security number to be eligible to receive benefits.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3167 Crediting and redirecting warrants.

Rule 17. (1) A regular assistance or supplemental client warrant can be credited or redirected before issuance.

(2) A vendor warrant is automatically credited when a regular warrant for a particular case is credited.

(3) The FIA shall not require a client to repay amounts owing to the FIA as a condition of releasing a warrant.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3168 Returned warrants.

Rule 18. (1) A returned warrant may be rewritten if a group was eligible for cash assistance during the period covered by the original warrant.

(2) A group is presumed to be ineligible for cash assistance under any of the following circumstances:

(a) The post office returned a client warrant to the treasury as undeliverable and there has been no contact from the group regarding the warrant.

(b) A warrant remains uncashed for more than 30 calendar days and there has been no contact from the client regarding the warrant.

(c) A client fails to contact the FIA by the disposition deadline for a warrant returned or delivered to the local FIA office.

(3) A representative of a group who picks up a client warrant shall present the group's signed statement authorizing the representative to pick up the warrant.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3169 Replacement policies for warrants reported lost, stolen, not received, or destroyed.

Rule 19. (1) If a group reports an unendorsed warrant lost, stolen, not received, or destroyed, then the group may have the warrant replaced if replacement is requested by the last workday of the fourth calendar month after the warrant date and if all of the following criteria, as appropriate, are met:

(a) The group completes a stop payment/replacement request affidavit. For stolen warrants, a group shall file a police report, unless replacement of the warrant is made after recovery of the warrant amount.

(b) A client or provider shall contact the post office to verify delivery of a warrant that was issued but not received. If delivery is verified, then the warrant is considered lost. If delivery cannot be verified, then the warrant is considered not received.

(c) For warrants considered not received, a client or provider shall complete a stop payment/replacement request affidavit. The earliest that the request affidavit may be completed is the fourth mail delivery day following the warrant date.

Annual Administrative Code Supplement
1998 – 2000 Edition

(d) Under any of the following circumstances, a warrant shall be replaced only after recovery of the original warrant amount:

- (i) Replacement is requested more than 30 calendar days after the warrant date.
 - (ii) The client has previously requested a replacement after cashing the original warrant.
 - (iii) The client has previously requested stop payment action 4 or more times.
 - (iv) A police report was not filed on a stolen warrant.
 - (v) The case is closed or closure is pending.
 - (vi) The warrant to be replaced is a replacement warrant or a vendor warrant.
- (2) If a warrant is cashed by a recipient of cash assistance, then the FIA will not take action on a request to stop payment on the cashed warrant and a replacement warrant will not be issued.
- (3) A warrant that is lost or stolen after endorsement shall be replaced only if the warrant is later returned or voided.
- (4) If a replacement warrant is issued for a warrant that was cashed and the client claims that the warrant copy signature is not his or hers, then the client shall sign an affidavit that the signature is not the client's signature.
- (5) If a replacement warrant is issued for a warrant that was cashed and the client fails to keep an appointment to view the warrant, refuses to sign the affidavit, or admits endorsing both the original and replacement warrants, then the FIA shall recover the overissuance from the group.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3170 Supplemental benefits policy for cash assistance.

Rule 20. (1) Supplemental benefits, also referred to as a supplement, are issued to correct an underissuance.

- (2) A supplement is offset by overissuances for which collection actions have not yet begun. The amount of the overissuance is subtracted from the amount of the supplement, up to the amount of the supplement.
- (3) A supplement shall be issued promptly when verification of the need for a supplement is received by the FIA or when the FIA has knowledge of the need for a supplement.
- (4) A supplement is issued back to the month following the month that verification, if required, shows the need began, but not earlier than the month following the month that the group reported the change which resulted in the need for a supplement.
- (5) A supplement shall not be issued for a period before the effective date for program eligibility.
- (6) The FIA shall give a group adequate notice that a supplement has been authorized or denied.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3171 Identity verification requirement; acceptable verification sources.

Rule 21. (1) A grantee shall verify his or her identity in order to receive benefits.

- (2) If a grantee cannot provide adequate documentary evidence of his or her identity, then a collateral contact may be used to verify identity.

History: 1998 MR 7, Eff. July 23, 1998.

400.3172 Pursuit of potential benefits as condition of eligibility.

Rule 22. (1) As a condition of eligibility, a client shall apply for potential benefits for which the group or a member of the group may be eligible.

- (2) A client shall take action to make the entire potential benefit amount available to the group.
- (3) A group that would otherwise be eligible for the family independence program (FIP) except for the group's failure to meet or comply with a FIP eligibility requirement is not eligible for the state disability assistance program.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3173 Penalties for failure to pursue potential benefits; verification requirements.

Rule 23. (1) If a group refuses to pursue a potential benefit, then the group is ineligible for state disability assistance.

- (2) If a client or other group members acts to restrict the amount of a potential benefit that is available to

Annual Administrative Code Supplement
1998 – 2000 Edition

the group, then the group is ineligible for state disability assistance.

(3) The FIA shall accept a client's statement that he or she has applied for a benefit or that he or she is not eligible for a benefit, unless the statement is unclear, inconsistent, or in conflict with other information.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3174 Concurrent receipt of benefits prohibited.

Rule 24. (1) A client may not receive state disability assistance benefits and refugee matching grant payments for the same period.

(2) A client may not receive state disability assistance benefits for the same period in which he or she received benefits from any of the following:

(a) The family independence program.

(b) Another state's cash assistance program that is either state-funded or funded under title IV-A of the social security act of 1962, 42 U.S.C. §601 et seq.

(c) The refugee assistance program.

(d) The repatriate assistance program.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3175 Residence.

Rule 25. (1) For purposes of the state disability assistance program, a resident of this state is a person who is living in this state voluntarily with the intention of making his or her home in this state and not for a temporary purpose and who is not receiving assistance from another state.

(2) The continued absence of a recipient from this state, unless the absence is temporary or an intent to return is established, shall constitute abandonment by the recipient of residence in this state.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3176 Repayment agreements.

Rule 26. (1) As a condition of eligibility, a client is required to sign an agreement to repay state disability assistance benefits issued during the period in which the client is pursuing a financial benefit for which he or she may be eligible.

(2) If a client refuses to sign a repay agreement when required, then the group is ineligible for benefits.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3177 Benefit overissuance determination and recoupment.

Rule 27. (1) A benefit overissuance period starts with the first pay period that the benefit issuance exceeds the benefit amount allowed. The overissuance period ends with the pay period immediately before the pay period when the benefit amount is corrected.

(2) A benefit amount that a group receives includes all of the following:

(a) Regular, supplemental, and duplicate warrants.

(b) Vendor payments.

(c) The amount of any benefit reduction used to repay previous overissuances.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3178 Intentional program violation disqualification and recoupment.

Rule 28. (1) If, in the course of an overissuance investigation, the FIA determines that an intentional program violation occurred, then the person accused of the violation shall be notified of all of the following:

(a) The allegation.

(b) A potential penalty.

(c) The right to meet with FIA representatives to discuss the allegation.

(2) The FIA will conduct an administrative hearing to determine if an overissuance occurred due to intentional program violation, unless either of the following provisions applies:

(a) The person accused of the violation waives his or her right to the hearing by signing a recoupment and disqualification agreement.

(b) The individual has been convicted of the fraudulent receipt of benefits under section 60 of Act No. 280 of

Annual Administrative Code Supplement
1998 – 2000 Edition

the Public Acts of 1939, as amended, being §400.60 of the Michigan Compiled Laws, or any other criminal fraud statute.

(3) If a person accused of an intentional program violation has agreed to and signed a recoupment and disqualification agreement, then the person does not have recourse to further administrative appeal.

(4) A person accused of an intentional program violation may request a hearing to contest the computation of the benefit reduction amount, but not the overissuance amount.

(5) An intentional program violation hearing may be conducted without the person accused of the violation or his or her authorized representative present if the hearing notice that was sent to the person is not returned by the post office as undeliverable.

(6) Any administrative hearing initiated by the FIA under this rule shall be conducted pursuant to notice served on the accused person not later than 6 years after the overissuance occurred.

(7) If the FIA does not establish that an overpayment was the result of an intentional program violation, then the FIA shall recoup the overpayment as FIA or client error.

(8) A person who is determined, in an administrative disqualification hearing, to have committed an intentional program violation, who pleads guilty to an intentional program violation, who waives his or her legal right to an administrative disqualification hearing regarding an allegation of intentional program violation, or who is convicted of criminal fraud based on the fraudulent receipt of benefits shall be disqualified by reducing the monthly benefit level by the amount deemed to meet the individual's monthly needs for the following periods:

(a) A period of 1 year for a first offense.

(b) A period of 2 years for a second offense.

(c) Permanently for a third or subsequent offense.

(9) For current or former state disability assistance recipients, the FIA shall impose a disqualification penalty for an intentional program violation within 5 days of the receipt of a decision that an intentional program violation occurred.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3179 Benefit overissuance collection and repayment actions.

Rule 29. (1) The FIA will employ administrative recoupment processes to recoup all benefit overissuances from active or inactive state disability assistance groups by cash repayment or benefit reduction.

(2) The FIA will seek recoupment of benefit overissuances from any adult who was a group member when the overissuance occurred.

(3) The FIA will recoup overissuances on active state disability assistance cases through benefit reduction, unless cash payments are ordered by a court.

(4) If an overissuance is not paid in full during the timely notice period, then the FIA shall reduce state disability assistance warrants by a percentage of the payment standard as follows:

(a) FIA and client error overissuances are recouped at a 5% reduction of the payment standard.

(b) Intentional program violation overissuances are recouped at a 10% reduction of the payment standard.

(5) An overissuance repayment amount shall be adjusted to maintain a minimum \$2.00 cash benefit to the client.

(6) If a court orders cash repayment of an overissuance and the active state disability assistance client does not make regular cash payments, then the FIA will change the collection method to benefit reduction.

(7) A local FIA office may pursue, through probate court claim action, collection from the estate of a person who dies and has an overissuance balance.

(8) A payment received as restitution under the terms of a person's probation reduces the balance owed, but completing the probation period or performing a requirement of probation does not reduce the amount owed in excess of the actual dollar amount paid toward the balance owed.

History: 1998 MR 7, Eff. July 23, 1998.

R 400.3180 Recision.

Rule 30. R400.1121 of the Michigan Administrative Code, appearing on pages 850 and 851 of the 1993 Annual Supplement to the 1979 Michigan Administrative Code, is rescinded.

Annual Administrative Code Supplement
1998 – 2000 Edition

History: 1998 MR 7, Eff. July 23, 1998.

OFFICE OF INCOME ASSISTANCE
EMERGENCY NEEDS PROGRAM

R 400.3501—R 400.3540
Source: 1997 AACS.

OFFICE OF EMPLOYMENT DEVELOPMENT SERVICES
MICHIGAN OPPORTUNITY AND SKILLS TRAINING PROGRAM

R 400.3591—R 400.3596
Source: 1997 AACS.

FAMILY SERVICES ADMINISTRATION
EMPLOYMENT AND TRAINING PROGRAM

R 400.3601
Source: 1997 AACS.

R 400.3602
Source: 1997 AACS.

R 400.3603
Source: 1997 AACS.

R 400.3604
Source: 1997 AACS.

R 400.3605
Source: 1997 AACS.

R 400.3606
Source: 1997 AACS.

R 400.3607
Source: 1997 AACS.

R 400.3608
Source: 1997 AACS.

R 400.3609
Source: 1997 AACS.

R 400.3610
Source: 1997 AACS.

R 400.3611
Source: 1997 AACS.

R 400.3612
Source: 1997 AACS.

R 400.3613
Source: 1997 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

DIVISION OF CHILD WELFARE LICENSING

CHILD CARING INSTITUTIONS

PART 1. GENERAL PROVISIONS

R 400.4101

Source: 1983 AACS.

R 400.4104

Source: 1983 AACS.

R 400.4105

Source: 1983 AACS.

R 400.4106

Source: 1983 AACS.

R 400.4108

Source: 1983 AACS.

R 400.4109

Source: 1983 AACS.

R 400.4111

Source: 1983 AACS.

R 400.4112

Source: 1983 AACS.

R 400.4113

Source: 1983 AACS.

R 400.4114

Source: 1983 AACS.

R 400.4116

Source: 1983 AACS.

R 400.4117

Source: 1983 AACS.

R 400.4118

Source: 1983 AACS.

R 400.4119

Source: 1983 AACS.

R 400.4120

Source: 1983 AACS.

R 400.4121

Source: 1983 AACS.

R 400.4126

Source: 1983 AACS.

R 400.4127

Source: 1983 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.4128
Source: 1983 AACS.

R 400.4130
Source: 1983 AACS.

R 400.4131
Source: 1983 AACS.

R 400.4132
Source: 1983 AACS.

R 400.4133
Source: 1983 AACS.

R 400.4134
Source: 1983 AACS.

R 400.4137
Source: 1983 AACS.

R 400.4138
Source: 1983 AACS.

R 400.4141
Source: 1983 AACS.

R 400.4142
Source: 1983 AACS.

R 400.4143
Source: 1983 AACS.

R 400.4144
Source: 1983 AACS.

R 400.4145
Source: 1983 AACS.

R 400.4146
Source: 1983 AACS.

R 400.4147
Source: 1983 AACS.

R 400.4148
Source: 1983 AACS.

R 400.4150
Source: 1983 AACS.

R 400.4152
Source: 1983 AACS.

R 400.4160
Source: 1983 AACS.

R 400.4161
Source: 1983 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.4163
Source: 1983 AACS.

R 400.4167
Source: 1983 AACS.

R 400.4168
Source: 1983 AACS.

R 400.4169
Source: 1983 AACS.

R 400.4170
Source: 1983 AACS.

R 400.4172
Source: 1983 AACS.

R 400.4173
Source: 1983 AACS.

R 400.4175
Source: 1983 AACS.

R 400.4176
Source: 1983 AACS.

R 400.4177
Source: 1983 AACS.

R 400.4178
Source: 1983 AACS.

R 400.4181
Source: 1983 AACS.

R 400.4182
Source: 1983 AACS.

R 400.4183
Source: 1983 AACS.

R 400.4199
Source: 1983 AACS.

PART 2. SHORT-TERM INSTITUTIONS

R 400.4201
Source: 1983 AACS.

R 400.4231
Source: 1983 AACS.

R 400.4232
Source: 1983 AACS.

R 400.4234
Source: 1983 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.4237
Source: 1983 AACS.

R 400.4238
Source: 1983 AACS.

PART 3. RESIDENTIAL TREATMENT INSTITUTIONS

R 400.4302
Source: 1983 AACS.

R 400.4331
Source: 1983 AACS.

R 400.4332
Source: 1983 AACS.

R 400.4334
Source: 1983 AACS.

R 400.4335
Source: 1983 AACS.

R 400.4336
Source: 1983 AACS.

R 400.4337
Source: 1983 AACS.

R 400.4338
Source: 1983 AACS.

PART 4. ENVIRONMENTAL HEALTH AND SAFETY

R 400.4401
Source: 1983 AACS.

R 400.4407
Source: 1983 AACS.

R 400.4409
Source: 1983 AACS.

R 400.4411
Source: 1983 AACS.

R 400.4414
Source: 1983 AACS.

R 400.4417
Source: 1983 AACS.

R 400.4420
Source: 1983 AACS.

R 400.4426
Source: 1983 AACS.

R 400.4428

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1983 AACS.

R 400.4431

Source: 1983 AACS.

R 400.4435

Source: 1983 AACS.

PART 5. FIRE SAFETY FOR SMALL, LARGE, AND SECURE INSTITUTION FACILITIES

R 400.4501

Source: 1983 AACS.

R 400.4502

Source: 1983 AACS.

R 400.4504

Source: 1983 AACS.

R 400.4506

Source: 1983 AACS.

R 400.4508

Source: 1983 AACS.

R 400.4510

Source: 1983 AACS.

R 400.4512

Source: 1983 AACS.

R 400.4513

Source: 1983 AACS.

R 400.4515

Source: 1983 AACS.

R 400.4517

Source: 1983 AACS.

R 400.4520

Source: 1983 AACS.

R 400.4522

Source: 1983 AACS.

R 400.4523

Source: 1983 AACS.

R 400.4524

Source: 1983 AACS.

R 400.4527

Source: 1983 AACS.

R 400.4532

Source: 1983 AACS.

R 400.4535

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1983 AACS.

R 400.4538

Source: 1983 AACS.

R 400.4540

Source: 1983 AACS.

R 400.4543

Source: 1983 AACS.

R 400.4545

Source: 1983 AACS.

R 400.4546

Source: 1983 AACS.

R 400.4548

Source: 1983 AACS.

R 400.4550

Source: 1983 AACS.

R 400.4552

Source: 1983 AACS.

R 400.4554

Source: 1983 AACS.

R 400.4555

Source: 1983 AACS.

R 400.4557

Source: 1983 AACS.

R 400.4559

Source: 1983 AACS.

R 400.4560

Source: 1983 AACS.

R 400.4562

Source: 1983 AACS.

R 400.4563

Source: 1983 AACS.

R 400.4564

Source: 1983 AACS.

R 400.4566

Source: 1983 AACS.

R 400.4568

Source: 1983 AACS.

PART 6. FIRE SAFETY FOR RESIDENTIAL GROUP HOME FACILITIES

R 400.4601

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1983 AACS.

R 400.4602

Source: 1983 AACS.

R 400.4606

Source: 1983 AACS.

R 400.4608

Source: 1983 AACS.

R 400.4612

Source: 1983 AACS.

R 400.4613

Source: 1983 AACS.

R 400.4615

Source: 1983 AACS.

R 400.4617

Source: 1983 AACS.

R 400.4618

Source: 1983 AACS.

R 400.4620

Source: 1983 AACS.

R 400.4623

Source: 1983 AACS.

R 400.4632

Source: 1983 AACS.

R 400.4635

Source: 1983 AACS.

R 400.4638

Source: 1983 AACS.

R 400.4639

Source: 1983 AACS.

R 400.4640

Source: 1983 AACS.

R 400.4643

Source: 1983 AACS.

R 400.4652

Source: 1983 AACS.

R 400.4657

Source: 1983 AACS.

R 400.4660

Source: 1983 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.4666

Source: 1983 AACS.

FAMILY SERVICES ADMINISTRATION
CHILD DAY-CARE PROGRAM

R 400.5001

Source: 1997 AACS.

R 400.5002

Source: 1997 AACS.

R 400.5003

Source: 1997 AACS.

R 400.5004

Source: 1997 AACS.

R 400.5005

Source: 1997 AACS.

R 400.5006

Source: 1997 AACS.

R 400.5007

Source: 1997 AACS.

R 400.5008

Source: 1997 AACS.

R 400.5009

Source: 1997 AACS.

R 400.5010

Source: 1997 AACS.

R 400.5011

Source: 1997 AACS.

R 400.5012

Source: 1997 AACS.

R 400.5013

Source: 1997 AACS.

R 400.5014

Source: 1997 AACS.

R 400.5015

Source: 1997 AACS.

DIVISION OF CHILD CARE CENTER LICENSING
CHILD CARE CENTERS

PART 1. GENERAL PROVISIONS, INCLUDING PROVISIONS FOR CARE
OF CHILDREN 2 1/2 YEARS TO 5 YEARS OF AGE

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.5101 Definitions.

Rule 101. As used in these rules:

- (a) "Caregiver" means a person providing direct care, supervision, and guidance of a child who is an adult or who is 17 years of age and who has satisfactorily completed at least 1 year of a vocational-occupational child care aide training program approved by the department of career development.
- (b) "Center" means a child care center or day care center which is a facility other than a private residence, which receives 1 or more preschool or school age children for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children. It includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, pre-kindergarten, play group, or drop in center. "Center" does not include any of the following:
 - (i) A Sunday school, a vacation bible school, or a religious instructional class which is conducted by a religious organization and at which children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period, or a facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for children are attending religious services.
 - (ii) A special education program or service conducted under the authority of article 3 of Act No. 451 of the Public Acts of 1976, as amended, being §§380.1701 to 380.1766 of the Michigan Compiled Laws.
 - (iii) A kindergarten, elementary, or secondary school program operated by a local or intermediate school district under the authority of Act No. 451 of the Public Acts of 1976, as amended, being §380.1 et seq. of the Michigan Compiled Laws. However, this exemption shall not apply to a pre-kindergarten program or to a child care center program for school age children operated by a local or intermediate school district.
 - (iv) An elementary or secondary school program operated by a nonpublic school. However, this exemption shall not apply to a pre-kindergarten program or a child care center program for school age children operated by a nonpublic school.
 - (v) A kindergarten operated as part of nonpublic elementary school. However, this exemption shall not apply to a nonpublic kindergarten operated as part of a child care center.
- (c) "Child" or "children" as used in this part, means children from birth to 5 years of age, unless otherwise specified in these rules.
- (d) "Department" means the department of consumer and industry services.
- (e) "Developmentally appropriate" means age appropriate as well as appropriate to the individual child.
- (f) "Employment-based on-site day care" means a center operated by or through a business where the day care center is located on the same site as the business. "Employment-based on-site day care" shall meet all of the following requirements:
 - (i) Be located in a separate segregated area of a building in which the business is located.
 - (ii) Provides care for the children of that business' employees.
- (g) "Full day" means 5 or more continuous hours per day.
- (h) "Parent" or "parental" means a child's natural parent, guardian, or another legally responsible person.
- (i) "Program director" means an adult responsible for developing, implementing, and directly supervising the total program for children.
- (j) "Public school-based day care center" means a center located in a classroom facility owned, operated, and administered by and located in an intermediate school district, or a public school as defined by the revised school code, section 5 (5) of Act No. 451 of the Public Acts of 1976, as amended, being §380.5 of the Michigan Compiled Laws.
- (k) "Recommended dietary allowances" means the amount of food which meet the allowances recommended by the national research council and contained in the appendix of the publication entitled "Recommended Dietary Allowances," 10th edition, 1989. This publication is hereby adopted by reference. Copies of the adopted matter may be obtained from the National Academy of Sciences, 210 Constitution Avenue, Washington, D.C. 20418 at a cost as of the effective date of this rule of \$19.96
- (l) "Staff" means caregivers, drivers, kitchen personnel, maintenance personnel, and other personnel of the center as well as the program director.

History: 1979 ACS 2, Eff. June 4, 1980; 1984 MR 7, Eff. July 24, 1984; 2000 MR 4, Eff. Jul 1, 2000.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.5102 Licensee.

Rule 102. (1) The licensee shall do all of the following:

- (a) Demonstrate to the department that he or she is of good moral character as defined in the good moral character act, Act No. 381 of the Public Acts of 1974, as amended, being § 338.41 to 338.47 of the Michigan Compiled Laws.
 - (b) Submit to a Michigan department of state police criminal history check and a family independence agency check for a history of substantiated abuse and neglect.
 - (c) Be responsible for maintaining compliance with Act No. 116 of the Public Acts of 1973, as amended, being § 722.111 et seq. of the Michigan Compiled Laws and the rules promulgated under the act.
- (2) A licensee shall have the following administrative responsibilities regarding staff:
- (a) Notify and submit approved credentials to the department within 30 days of hiring a new program director.
 - (b) Develop and implement a written screening policy for all staff and volunteers, including parents, who have contact with children.
 - (c) Have a written statement signed and dated by staff at the time of hiring indicating all of the following information:
 - (i) The individual is aware that abuse and neglect of children is against the law.
 - (ii) The individual has been informed of the center's policies on child abuse and neglect.
 - (iii) The individual knows that caregivers are mandated by law to report abuse and neglect.
 - (3) The licensee shall assure that the actual number and ages of children in care at any one time never exceeds the number and ages of children for which a center is licensed.
 - (4) The licensee shall assure that a child is released only to persons authorized by the parent.
 - (5) The licensee shall provide for the development and implementation of a written, on-going staff training plan.
 - (6) The licensee shall cooperate with the department in connection with an inspection or investigation. Cooperation shall include both of the following:
 - (a) The licensee shall provide access to all records, materials, and staff to enable the department to conduct an investigation.
 - (b) Information provided by the licensee to the department shall be accurate and truthful.
- History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5103 Program director.

- Rule 103. (1) A program director shall be present full time for programs operating less than 6 continuous hours. In programs operating 6 or more continuous hours, a program director shall be present not less than 6 hours per day when children are present.
- (2) With respect to the qualifications for program director, a center shall comply with either of the following requirements:
- (a) A program director shall have completed at least 60 semester hours of credit at an accredited college or university and shall have completed at least 12 semester hours in child development, child psychology, or early childhood education.
 - (b) A program director shall have been awarded the child development associate credential awarded by the council for early childhood professional recognition, a Montessori credential awarded by a Montessori teacher training institution recognized by the Montessori accreditation council for teacher education (macte), or similar credential approved by the department and shall have completed at least 12 semester hours in child development, child psychology, or early childhood education at an accredited college or university.
- (3) A center shall keep on file verification of the educational qualifications of the program director and the credential qualifications, as applicable.
- History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5104 Staff qualifications.

- Rule 104. All staff shall be of responsible character and suitable to meet the needs of children.
- History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.5104a Staff; parent participation; volunteers.

Rule 104a. (1) Staff shall not be present in a child care center if either of the following conditions apply:

- (a) They have been convicted of child abuse or neglect.
 - (b) They have been convicted of a felony involving harm or threatened harm.
- (2) Volunteers shall not have contact with children while in care of a child care center if either of the following conditions apply:
- (a) They have been convicted of child abuse or neglect.
 - (b) They have been convicted of a felony involving harm or threatened harm.
- (3) Before staff or volunteers may have contact with children while in care of a child care center, the staff or volunteer shall provide the center with documentation from the family independence agency that he or she has not been placed on the central registry for substantial abuse or neglect, as defined in Act No. 238, Public Acts of 1975, as amended, being §§722.621 to 722.636 of the Michigan Compiled Laws. If the volunteer is a parent, then this subrule may be waived if the center has a written plan of supervision for such parents.
- History: 2000 MR 4, Eff. Jul 1, 2000.

R 400.5104b Health of staff and volunteers; report.

- Rule 104b (1) A center shall have on file a report, signed by a licensed physician, for each staff member and each volunteer who has contact with children at least 4 hours per week for more than 2 consecutive weeks. This report shall declare, to the best of the physician's knowledge, the physical capability of the staff member to perform the duties required. The report shall be signed not more than 6 months before, or 30 days after, the start of employment and every 2 years thereafter.
- (2) A center shall have on file evidence that each staff member and each volunteer who has contact with children at least 4 hours per week for more than 2 consecutive weeks is free from communicable tuberculosis, verified within 2 years before employment and every 2 years thereafter.
- History: 2000 MR 4, Eff. Jul 1, 2000.

R 400.5105 Number of staff.

- Rule 105. (1) A minimum of 2 staff members, 1 of whom is a caregiver, shall be present at any one time in the center and during outdoor activities and field trips if 7 or more children are present.
- (2) The ratio of caregivers to children present at any one time in the center and during outdoor activities and field trips shall be based upon both of the following provisions:
- (a) For children 3 to 4 years of age, there shall be 1 caregiver for 10 children or each fraction of 10, including children who are related to the staff and the licensee.
 - (b) For children 4 to 5 years of age, there shall be 1 caregiver for 12 children or each fraction of 12, including children who are related to the staff and the licensee.
- (3) An exception to the requirements of subrule (2) of this rule may be made when the center is transporting children and is in compliance with R 400.5611(2), (3), and (4) or R 400.5710(2), (3), and (4), or both.
- (4) A center shall provide appropriate care and supervision of children at all times.
- History: 1979 ACS 2, Eff. June 4, 1980; 1984 MR 7, Eff. July 24, 1984; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5105a Staff; additional provisions for care of children between ages birth and 3 years.

- Rule 105a. (1) At least 2 staff members, 1 of whom is a caregiver, shall be present at any one time in the center and during outdoor activities and field trips when at least 3 children between the ages of birth and 3 years of age are present.
- (2) The ratio of caregivers to children between the ages of birth and 2 ½ years of age present at any one time in the center and during outdoor activities and field trips shall be at least 1 caregiver for 4 children or each fraction of 4, including the children who are related to the staff and the licensee.
- (3) The ratio of caregivers to children between the ages of 2 ½ and 3 years of age present at any one time in the center and during outdoor activities and field trips shall be at least 1 caregiver for 8 children or each fraction of 8, including the children who are related to the staff and the licensee.
- (4) A center shall arrange its staffing pattern so that each child between the ages of birth and 3 years has a primary caregiver to provide all of the following:

Annual Administrative Code Supplement
1998 – 2000 Edition

- (a) Continuity of 1 relationship.
- (b) Continuity of care.
- (c) Appropriate social interaction.

History: 2000 MR 4, Eff. Jul 1, 2000.

R 400.5105b Child placement contract; conditions; enforcement.

Rule 105b (1) the center and the parent of a child to be cared for by the center shall sign a placement contract that includes, at a minimum, all of the following provisions:

- (a) Program activities requirements in R 400.5106.
- (b) Formula, milk, and food requirements in R 400.5205.
- (c) Diapering, toilet training plans, and hand washing requirements in R 400.5209.
- (d) Staff and volunteer screening requirements in R 400.5102(2)(b).

(2) In addition to other requirements of the act and these rules, the department shall inspect and enforce the child placement contract based on the terms in the contract.

(3) Copies of the child placement contract shall be provided to the parent and the department and kept on file at the center.

History: 2000 MR 4, Eff. Jul 1, 2000.

R 400.5106 Program.

Rule 106. (1) A center shall provide a program of daily activities and relationships that offers opportunities for the developmental growth of each child in all of the following areas:

- (a) Physical development, including large and small muscle.
- (b) Social development, including communication skills.
- (c) Emotional development, including positive self-concept.
- (d) Intellectual development.

(2) A center shall permit parents to visit the program for the purpose of observing their children at all times.

(3) A center operating with children in attendance for 5 or more continuous hours per day shall provide for daily outdoor play, unless prevented by inclement weather conditions.

(4) A center shall provide each child under school age in attendance for 5 or more continuous hours a day with an opportunity to rest.

(5) A center shall provide children less than 3 years of age with an opportunity to rest regardless of the number of hours in care.

(6) A center shall permit children under 12 months of age to eat and sleep on demand.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5107 Discipline.

Rule 107. (1) Staff shall use developmentally appropriate positive methods of discipline which encourage self-control, self-direction, self-esteem, and cooperation.

(2) Staff shall be prohibited from using the following as a means of punishment:

- (a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.
- (b) Restricting a child's movement by binding or tying him or her.
- (c) Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.
- (d) Depriving a child of meals, snacks, rest, or necessary toilet use.
- (e) Confining a child in an enclosed area, such as a closet, locked room, box, or similar cubicle.

(3) Nonsevere and developmentally appropriate discipline or restraint may be used when reasonably necessary to prevent a child from harming himself or herself or to prevent a child from harming other persons or property, excluding those forms of punishment prohibited by subrule (2) of this rule.

(4) A center shall have a written policy regarding the discipline of children. This policy shall be furnished to staff and parents.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5108 Equipment.

Annual Administrative Code Supplement
1998 - 2000 Edition

Rule 108. (1) A center shall provide an adequate and varied supply of play equipment, materials, and furniture, including all of the following:

- (a) Appropriate to the developmental needs and interests of children.
 - (b) Appropriate to the number of children.
 - (c) Safe, clean, and in good repair.
 - (d) Child-sized or appropriately adapted for a child's use.
 - (e) Easily accessible to the children.
- (2) Children shall have access to equipment and materials in the following areas on a daily basis:
- (a) Large and small muscle activity.
 - (b) Sensory exploration.
 - (c) Social interaction and dramatic play.
 - (d) Discovery and exploration, including structuring and restructuring.
 - (e) Creative experiences through art, music, and literature.
- (3) Indoor large muscle activity equipment higher than 30 inches shall be on a mat at least 1 inch thick.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5109 Sleeping equipment.

Rule 109. (1) A center shall provide each child enrolled for 5 or more continuous hours and, upon a parent's request, each child in attendance during nap time, with a cot constructed of a fabric or plastic which is easily cleanable and a washable blanket or sheet of appropriate size.

- (2) The bedding shall be for the exclusive use of the child between launderings.
- (3) The cot and bedding shall be kept in a clean and sanitary condition.
- (4) Cots shall be positioned in such a manner that there is a free and direct means of egress.
- (5) For purposes of this rule, "cot" may also mean a bed or other similar sleeping equipment.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5110 Food services and nutrition.

Rule 110. (1) Snacks and meals shall be provided by the center, except if 1 of the following circumstances occurs:

- (a) A majority of the children are in attendance less than 4 hours.
 - (b) A written agreement has been signed by a parent and kept on file indicating that the parent is choosing to provide food.
 - (c) A center has a field trip or a special occasion.
- (2) Food served by the center shall be of sufficient quantity and nutritional quality to provide for the dietary needs of each child according to the United States department of agriculture in "Nutrition and Your Health: Dietary Guidelines for Americans", 1995 edition, which is adopted by reference in these rules. A copy can be obtained at no charge on the internet at www.nal.usda.gov/fnic/dga.valid at the time of this publication, or from the Department of Consumer and Industry Services, Bureau of Regulatory Services, Division of Child Day Care Licensing, P.O. Box 30650, Lansing, Michigan, 48909.
- (3) A child shall be served meals and snacks in accordance with the following schedule:
- (a) 4 hours to 6 hours.....1 meal and 1 snack.
 - (b) 7 hours to 10 hours.....1 meal and 2 snacks, or 2 meals and 1 snack.
 - (c) 11 hours or more.....2 meals and 2 snacks.
- (4) The center shall assure that a child is not deprived of a snack or meal if the child is in attendance at the time when the snack or meal is served.
- (5) Menus shall be planned in advance, shall be dated, and shall be posted where they may be seen by parents. Food substitutions shall be noted on the menus.
- (6) On field trips, food containing mayonnaise, eggs, milk products and other ingredients with which the probability of spoilage is high shall not be used.
- (7) The center shall assure that a child with special dietary needs is provided with snacks and meals in accordance with the child's needs and with the instructions of the child's parent or a licensed physician.
- (8) A center shall provide sufficient staff to carry out food service activities. The staff shall be scheduled so

Annual Administrative Code Supplement
1998 – 2000 Edition

that adequate time is available to prepare and serve food.

(9) A center shall establish and implement a written policy for its nutrition and food service programs. Each parent at the time of enrollment shall receive a copy of this policy statement.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5111 Child information records and reports.

Rule 111. (1) A center shall maintain an accurate record of daily attendance for each child enrolled.

(2) A center shall report an accident or illness, occurring while a child is in care, which results in hospitalization or death. The center shall submit this report to the department either in writing or through internet media within 5 days in a format provided by the department.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5112 Duty of parents to provide children's records.

Rule 112. (1) At the time of a child's initial attendance, the parent shall provide the following documents to be kept on file in the center:

(a) A child information card using a form developed for that purpose by the department or a comparable substitute filled out by the parent.

(b) Signed written permission to seek emergency care, unless the parent objects on the basis of religious grounds.

(c) If the parent objects to a physical evaluation or medical treatment on religious grounds, then the parent shall submit a signed statement that the child is in good health and that the parent assumes responsibility for the child's state of health while at the center.

(2) Not later than the first day following initial attendance, the parent shall provide a certificate of immunization showing a minimum of at least 1 dose of each immunizing agent specified by the department of community health. These certificates shall be kept on file in the center. If a child has been in attendance for 4 months, then an updated certificate showing the completion of all additional immunization requirements as specified by the department of community health shall be on file in the center unless there is a signed statement by a licensed physician or his or her designee stating immunizations are in progress.

(3) Within 30 days of initial attendance, one of the following documents shall be provided to the center by the parent and be kept on file in the center:

(a) Parents of children birth through 2 ½ years shall provide one of the following:

(i) A document signed by a licensed physician or his or her designee that a physical evaluation has been made within the preceding 3 months. Activity restrictions shall be noted.

(ii) In lieu of subsequent medical evaluations, a written report from a periodic screening program approved by the department of community health may be used.

(b) Parents of children 2 ½ years to school age shall provide one of the following:

(i) A document signed by a licensed physician or his or her designee that a physical evaluation has been made within the preceding 1 year. Activity restrictions shall be noted.

(ii) A written statement from the parent that the child has completed, or has an appointment to take part in, a health care program approved by the department of community health.

(c) Parents of school age children shall provide a signed statement that the child is in good health. Activity restrictions shall be noted.

(4) Documents provided under this rule shall be kept on file at the center and updated as needed, but not less than once per year.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5113 Statement; medication; health surveillance measures.

Rule 113. (1) If a center administers medication, then the following provisions shall apply:

(a) Medication, including tranquilizers, sedatives, aspirins, dietary supplements, or individual special medical procedures, shall be given or applied only with prior written permission from the parent. Prescription medication shall have the pharmacy label indicating the physician's name, child's name, instructions, and name and strength of the medication and shall be given in accordance with those

Annual Administrative Code Supplement
1998 – 2000 Edition

instructions.

(b) A caregiver shall maintain a record as to the time and the amount of any medication given or applied.

(c) The medication shall be in the original container, stored according to the instructions, and clearly labeled for the specific child. The caregiver shall keep the medication out of the reach of children, and shall return the medication to the parent or destroy it when no longer needed.

(2) Health surveillance measures include all of the following:

(a) A center shall be responsible for reporting to the parent observed changes in the child's health or any accidents that may have happened to the child.

(b) A caregiver shall place a child too ill to remain in the group in a separate area where he or she may be comfortably cared for and supervised until he or she may be taken home or suitably cared for elsewhere. Items and facilities, including cots, bedding, utensils, toys, toilets, and lavatories, used by the ill child shall not be used by any other person until those items and facilities have been thoroughly cleaned. The caregiver shall contact the parent when these measures are required.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5113a Emergency and evacuation procedures.

Rule 113a. (1) A center shall have written procedures for the evacuation and care of children and staff for each of the following emergencies:

(a) Fire.

(b) Tornado.

(c) Serious accident, illness or injury.

(2) A center shall inform each member of the staff of his or her duties and responsibilities if an emergency occurs. Emergency procedures shall be reviewed with staff at least twice a year.

(3) A center shall establish and implement a fire drill program consisting of at least one fire drill during each of the 4 seasons of the year to assure prompt evacuation of the building in case of emergency.

(4) A center shall establish and implement a tornado drill program consisting of at least one tornado drill during the spring to assure prompt emergency procedures in the case of a tornado.

(5) A center shall post emergency procedures and evacuation plans in a conspicuous place.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5114

Source: 1980 AACs.

R 400.5115 Telephone service.

Rule 115. A telephone shall be available, operable, and accessible in the building during the hours that the center is in operation. Pay telephones shall not be considered as meeting this requirement. Emergency telephone numbers, including fire, police, poison control center, and ambulance, shall be conspicuously posted immediately adjacent to the telephone.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5116 Indoor activity space.

Rule 116. (1) Except as provided in subrule (4) of this rule, for each child between the ages of birth and 2 ½ years, a center shall have a minimum of 50 square feet of indoor activity space for use by, and accessible to, the child.

(2) Except as provided in subrule (3) of this rule, for each child over 2 ½ years of age, a center shall have a minimum of 35 square feet of indoor activity space for use by, and accessible to, the child.

(3) In determining activity space under subrules (1) and (2) of this rule, the activity space shall not include any of the following:

(a) Hallways.

(b) Bathrooms.

(c) Reception and office areas.

(d) Kitchens.

(e) Storage areas and cloakrooms.

Annual Administrative Code Supplement
1998 – 2000 Edition

(f) Areas used exclusively for resting, sleeping, or eating.

(4) If the center is an employment-based on-site day care or a public school-based day care, then the center shall provide an adequate amount of indoor activity space for use by children. The center shall ensure that activity space is accessible to each child.

History: 1979 ACS 2, Eff. June 4, 1980; 1984 MR 7, Eff. July 24, 1984; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5117 Outdoor play area.

Rule 117. (1) Except as provided in subrule (6) of this rule, a center operating with children in attendance for 5 or more continuous hours a day shall have a safe outdoor play area which has not less than 1200 square feet.

(2) The department may require more than 1,200 square feet of outdoor play area where the minimum amount is not adequate for the safe and accessible use by the number of children licensed to be cared for by the center.

(3) If outdoor play space is not adjacent to a center, then parks or other outdoor facilities that are easily accessible by walking are acceptable.

(4) Outdoor play and activity areas shall be maintained in a safe manner.

(5) Equipment in an outdoor play area shall comply with the Playground Equipment Safety Act, Act No. 16 of the Public Acts of 1997, as amended, being sections 408.681 et. seq of the Michigan Compiled Laws.

(6) If the center is an employment-based on-site day care or a public school-based day care, then the center shall provide an outdoor play area of sufficient size to safely and comfortably accommodate the children.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5118

Source: 1980 AACS.

PART 2. ADDITIONAL PROVISIONS FOR CARE OF CHILDREN
BETWEEN AGES OF 2 WEEKS AND 2 1/2 YEARS

R 400.5201 Application.

Rule 201. This part applies to children from birth to 2 ½ years of age.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5202 Rescinded.

History: 1979 ACS 2, Eff. June 4, 1980; 1984 MR 7, Eff. July 24, 1984; Rescinded 2000 MR 4, Eff. Jul 1, 2000.

R 400.5203 Rescinded.

History: 1979 ACS 2, Eff. June 4, 1980; Rescinded 2000 MR 4, Eff. Jul 1, 2000

R 400.5204 Sleeping equipment; seating for staff.

Rule 204. (1) Children less than 12 months of age shall sleep in cribs or beds with side rails and firm mattresses. Children 12 months of age and older shall sleep in cribs, beds, or cots. Each sleeping device shall have a washable, waterproof covering and appropriate bedding.

(2) Comfortable, adult-sized seating shall be provided for 1/2 of the care giving staff on duty.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5205

Source: 1984 AACS.

R 400.5206

Source: 1980 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.5207

Source: 1980 AACS.

R 400.5208 Rescinded.

History: 1979 ACS 2, Eff. June 4, 1980; Rescinded 2000 MR 4, Eff. July 1, 2000.

R 400.5209 Diapering; toilet training plan.

Rule 209. (1) Diapers shall be disposable or from a commercial diaper service. If a child's health condition necessitates that disposable diapers or diapers from a commercial services cannot be used, then an alternative arrangement may be made according to the parent's or a licensed physician's instructions.

(2) Diapering shall be done in the child's own crib or in a designated diapering area.

(3) A center shall maintain a diapering area, and all supplies and equipment shall be maintained in a safe and sanitary manner.

(4) The caregiver shall thoroughly wash his or her hands after each diapering, and after cleaning up bodily fluids, using soap and running water.

(5) A washcloth or towel, or both, used in diapering shall not be used subsequently on another part of the body or for any other purpose until laundered.

(6) Toilet training shall be planned cooperatively between the child's primary caregiver and the parent so that the toilet routine established is consistent between the center and the child's home, and at a minimum, shall include washing hands after toilet use. The center shall empty and sanitize all training devices immediately after each use.

(7) The caregiver shall change diapers when soiled or wet.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5210 Rescinded.

History: 1979 ACS 2, Eff. June 4, 1980; 1984 MR 7, Eff. July 24, 1984; Rescinded 2000 MR 4, Eff. Jul 1, 2000.

PART 3. ADDITIONAL PROVISIONS FOR CARE OF CHILDREN 6 YEARS OF AGE AND OLDER

R 400.5301

Source: 1980 AACS.

R 400.5302 Staff.

Rule 302. (1) The ratio of caregivers to children present at any one time in the center and during outdoor activities and field trips shall be based upon the following provisions:

(a) For children 6 to 12 years of age, there shall be 1 caregiver for 20 children or a fraction thereof beyond the first 20, including children who are related to the staff and the licensee.

(b) For children from 13 to 17 years of age, there shall be 1 caregiver for 30 children or a fraction thereof beyond the first 30, including children who are related to the staff and the licensee.

(2) If a center exclusively serves children, as defined in R 400.5301, then the program director may substitute credits in elementary education, physical education, or recreation for any of the 12 semester hours as required in R 400.5103(2).

History: 1979 ACS 2, Eff. June 4, 1980; 1984 MR 7, Eff. July 24, 1984; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5303 Program.

Rule 303. A center shall provide a program that has all the following opportunities for each child:

(a) To plan, carry out, and evaluate his or her own activities.

(b) To experience a diversity of activities within the center, the center neighborhood, and the total community.

(c) To participate in recreational activities, including developmentally appropriate sports.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.5304 Rescinded.

History: 1979 ACS 2, Eff. June 4, 1980; Rescinded 2000 MR 4, Eff. Jul 1, 2000.

PART 4. ADDITIONAL PROVISIONS FOR DROP-IN CENTERS

R 400.5401

Source: 1980 AACS.

R 400.5402

Source: 1984 AACS.

R 400.5403

Source: 1980 AACS.

R 400.5404

Source: 1980 AACS.

R 400.5405

Source: 1980 AACS.

PART 5. ADDITIONAL PROVISIONS FOR SPECIFIC PROGRAM COMPONENTS

R 400.5501

Source: 1980 AACS.

R 400.5502

Source: 1980 AACS.

R 400.5503

Source: 1980 AACS.

PART 6. TRANSPORTATION PROVISIONS

R 400.5601 Definitions.

Rule 601. As used in this part and in part 7 of these rules:

- (a) "Child passenger restraint device" means a device that is used to restrain a child weighing 50 pounds or less that meets the requirements of federal motor vehicle safety standard no. 213, child seating systems, 49 C.F.R. 571 is hereby adopted by reference.
- (b) "Manufacturer's rated seating capacity" means the number of places or spaces provided by the manufacturer of a vehicle for the driver and passengers to sit while the vehicle is in motion.
- (c) "Safety belt" means an automobile lap belt or lap-shoulder belt combination designed to restrain and protect a passenger or driver of a vehicle from injury.
- (d) "Transportation" means the conveyance of children by means of a motor vehicle to or from a child care center and to and from all other activities planned for children by or through the child care center.
- (e) "Vehicle," means a self-propelled device in which persons are or may be transported upon a highway, which is built on an automobile or truck chassis, which is specifically designed by the manufacturer to transport passengers, or specially modified to transport handicapped passengers, and which meets the safety equipment requirements of the Michigan vehicle code, sections 683 to 714b of Act No. 300 of the Public Acts of 1949, as amended, being §§257.683 to 257.714b of the Michigan Compiled Laws.

History: 1979 ACS 2, Eff. June 4, 1980.

R 400.5602 Transportation generally.

Rule 602. (1) If transportation other than public transportation or public school transportation is provided, contracted, or sponsored by the center, all rules in this part apply.

(2) If public transportation or public school transportation is used, then all rules in this part, except R

Annual Administrative Code Supplement
1998 – 2000 Edition

400.5605, R 400.5610(5) and R 400.5612 apply.

(3) Rules in this part do not apply if a parent of a child makes a private arrangement for the transportation of his or her child, not including arrangements made with the center.

History: 1979 ACS 2, Eff. June 4, 1980.

R 400.5603 All vehicles.

Rule 603. (1) Children shall be transported in vehicles, as defined in R 400.5601(e).

(2) Vehicle seats used by passengers shall not face sideways.

(3) A center shall not use a truck to transport children, except in the cab.

(4) There shall be no loose, heavy objects in the passenger area of any vehicle.

(5) Each vehicle, other than volunteer vehicles, shall be inspected annually by the department of state police or by a state police-authorized publicly employed inspector to verify compliance with Michigan vehicle code safety equipment requirements and other safety equipment requirements specified in these rules, if such inspection services are available. A statement attesting to the vehicle's compliance with the code and other safety requirements shall be kept on file by the center. No vehicle shall be operated for the purpose of transporting children unless it is in compliance with all requirements specified in these rules.

History: 1979 ACS 2, Eff. June 4, 1980.

R 400.5604 Vehicles with a gross vehicle weight of more than 10,000 pounds.

Rule 604. (1) Each vehicle with a gross vehicle weight of more than 10,000 pounds that is purchased or leased by a center for the purpose of transporting children shall comply with all minimum safety specifications, except color, identification, and alternating flashing lights, contained in the department of education rules entitled "Safety Specifications for School Buses", being R 340.1201 et seq. of the Michigan Administrative Code.

(2) Centers contracting transportation services from other organizations shall contract services that comply with the standards and with the date as established in subrule (1) of this rule.

History: 1979 ACS 2, Eff. June 4, 1980.

R 400.5605 Safety equipment in vehicles with a manufacturer's rated seating capacity of 10 or fewer occupants.

Rule 605. (1) Each vehicle with a manufacturer's rated seating capacity of 10 or fewer occupants shall carry all of the following safety equipment:

(a) Three bi-directional emergency reflective triangles. The reflectors shall be properly cased and stored in the trunk of the vehicle or properly secured in the rear of vehicle if no trunk is provided.

(b) A first aid kit, which shall contain, at a minimum, all of the following:

(i) Bandage compresses (sterile gauze pads).

(ii) Adhesive Compresses.

(iii) A 40-inch triangular bandage.

(iv) A roll of gauze.

(v) An elastic bandage.

(2) Antiseptics and burn ointments shall not be included in the first aid kit. The first aid kit shall be kept in the driver compartment or in the vehicle trunk.

History: 1979 ACS 2, Eff. June 4, 1980; 1984 MR 7, Eff. July 24, 1984; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5606 Safety equipment in vehicles with a manufacturer's rated seating capacity of more than 10 occupants.

Rule 606. (1) Each vehicle with a manufacturer's rated seating capacity of more than 10 occupants shall carry all of the following safety equipment:

(a) Three bi-directional emergency reflective triangles properly cased and mounted in the driver's compartment.

(b) Not less than 3 red burning, 15-minute fuses properly cased and securely mounted in the driver's compartment.

(c) Fire extinguisher of dry chemical type, or its equivalent, approved by underwriters' laboratories, inc., or

Annual Administrative Code Supplement
1998 – 2000 Edition

the department of state police, rated not less than 2A-10BC. The extinguisher valve shall be aluminum, brass, or bronze. The extinguisher shall be mounted in an accessible place in the driver compartment and kept properly filled and in satisfactory operating condition at all times. This subdivision shall not apply when the vehicle has a gross vehicle weight of 10,000 pounds or less.

(d) A first aid kit, which shall be firmly mounted in a quick-release bracket in an accessible location in the driver compartment. The first aid kit shall contain, at a minimum, all of the following:

- (i) Bandage compresses (sterile gauze pads).
- (ii) Adhesive compresses.
- (iii) A 40-inch triangular bandage.
- (iv) A roll of gauze.
- (v) An elastic bandage.

(2) Antiseptics and burn ointments shall not be included in the first aid kit.

History: 1979 ACS 2, Eff. June 4, 1980; 1984 MR 7, Eff. July 24, 1984; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5607 Restraint devices; safety belts.

Rule 607. (1) Each child transported shall remain seated and properly restrained by the passenger restraint device appropriate for his or her age according to the manufacturer's rated seating capacity while the vehicle is in motion.

(2) Each restraint device shall be properly anchored to the vehicle seat and used according to the manufacturer's specifications. A caregiver shall not allow 2 or more children to share a seat belt.

(3) Each child transported shall remain seated and properly restrained by the passenger restraint device appropriate for his or her age while the vehicle is in motion, except as specified in subrule (7) of this rule.

(4) The driver of a vehicle and all adult passengers shall be properly restrained by safety belts when the vehicle is in motion.

(5) Each person transported shall occupy a vehicle manufacturer's designated seating position.

(6) All safety belts and restraint devices used while transporting all children and all adults shall be in good working condition.

(7) The only exception to subrules (1), (2), (4), (5) and (6) of this rule is if children over the age of 30 months and adults ride as passengers in vehicles which have a gross vehicle weight of more than 10,000 pounds and which are not required by the federal government to be equipped with passenger safety belts.

History: 1979 ACS 2, Eff. June 4, 1980; 1984 MR 7, Eff. July 24, 1984; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5608

Source: 1997 AACs.

R 400.5609 Rescinded.

History: 1979 ACS 2, Eff. June 4, 1980; Rescinded 2000 MR 4, Eff. Jul 1, 2000.

R 400.5610 Vehicle operator.

Rule 610. (1) The driver of any vehicle transporting children shall possess all of the following qualifications:

(a) A valid chauffeur's license with the proper group designator and endorsement, as required.

(b) A personal driving record with not more than 6 active points as determined by the department of state.

(2) The driver shall be provided with a list of the children being transported in his or her vehicle and the names and telephone numbers of parents or guardians.

(3) The driver shall be familiar with the contents of the first aid kit.

(4) The driver of a vehicle required in R 400.5606(c) to be equipped with a fire extinguisher shall be familiar with the operation of the fire extinguisher.

(5) The following documents shall be on file in the center:

(a) A copy of each driver's driving record, except for drivers of volunteer vehicles, obtained from the department of state at least once a year, or a driving record obtained through the department of state driver subscription service program.

(b) A self-certifying statement that all drivers of volunteer vehicles have a valid driver's license and a

Annual Administrative Code Supplement
1998 – 2000 Edition

personal driving record of not more than 6 active points.

History: 1979 ACS 2, Eff. June 4, 1980; 1984 MR 7, Eff. July 24, 1984; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5611

Source: 1980 AACS.

R 400.5612

Source: 1980 AACS.

R 400.5613

Source: 1980 AACS.

R 400.5614 Vehicle records and reports.

Rule 614. For vehicles leased or owned by a center, a center shall have on file verification of all of the following:

- (a) Annual vehicle inspection.
- (b) Vehicle insurance.
- (c) The required driver license number of each non-volunteer driver.
- (d) Compliance by drivers with all requirements in R 400.5610, including a copy of each driver's driving record, obtained from the department of state at least once every 12 months, or a driving record obtained through the department of state driver subscription program.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

PART 7. FIELD TRIP TRANSPORTATION PROVISIONS

R 400.5701

Source: 1980 AACS.

R 400.5702

Source: 1980 AACS.

R 400.5703 Transportation for field trips generally.

Rule 703. (1) If transportation other than public transportation or public school transportation for a field trip is provided or contracted by the center, all rules in part 6 apply.

(2) If public transportation or public school transportation is used, then all rules in part 6, except R 400.5605, R 400.5610(5) and R 400.5612 apply.

(3) Rules in part 6 of these rules and in this part do not apply if the parent of a child makes a private arrangement for the transportation of her or his child on a field trip, not including arrangements made with the center.

(4) If a center sponsors or arranges a field trip with parent volunteers or other volunteers, including center staff, transporting children and using their own vehicles, then R 400.5704 to R 400.5712 apply.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5704 Volunteer vehicles for field trips.

Rule 704. (1) Children shall be transported in vehicles as defined in R 400.5601(e).

(2) Vehicle seats used by passengers shall not face sideways.

(3) A truck shall not be used to transport children, except in the cab.

(4) There shall be no loose, heavy objects in the passenger area of any vehicle.

(5) The volunteer vehicle used shall be in compliance with the safety equipment requirements specifying good operating condition of tires, brakes, exhaust system, windshield, windshield wipers and washers, horn, lights, and mirrors as contained in the Michigan vehicle code, sections 683 to 714b of Act No. 300 of the Public Acts of 1949, as amended, being §§257.683 to 257.714b of the Michigan Compiled Laws.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

Annual Administrative Code Supplement
1998 - 2000 Edition

R 400.5705

Source: 1980 AACS.

R 400.5706 Restraint devices and safety belts in volunteer vehicles.

Rule 706. Volunteer vehicles shall meet the restraining device requirements of R 400.5607, and passengers shall be restrained according to the requirements of R 400.5607.

History: 1979 ACS 2, Eff. June 4, 1980; 1984 MR 7, Eff. July 24, 1984; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5707

Source: 1997 AACS.

R 400.5708 Rescinded.

History: 1979 ACS 2, Eff. June 4, 1980; Rescinded 2000 MR 4, Eff. Jul 1, 2000.

R 400.5709 Volunteer vehicle operator for field trip transportation.

Rule 709. (1) The volunteer driver shall do all of the following:

- (a) Have a valid driver license appropriate for the vehicle being driven.
 - (b) Have not more than 6 active points on his or her driving record.
 - (c) Have a list of the children being transported in his or her vehicle and the names and telephone numbers of parents or guardians.
 - (d) Be familiar with the contents of the first aid kit.
- (2) Before the field trip begins, the center shall determine that each volunteer driver complies with subrule (1) of this rule.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5710

Source: 1980 AACS.

R 400.5711

Source: 1980 AACS.

R 400.5712

Source: 1980 AACS.

PART 8. FIRE SAFETY PROVISIONS

R 400.5801 Definitions.

Rule 801. As used in this part:

- (a) "Basement" means a story of a building or structure having $\frac{1}{2}$ or more of its clear height below average grade for at least 50% of the perimeter.
- (b) "Combustible" means materials will ignite and burn when subjected to a fire or excessive heat.
- (c) "Conversion" means to alter the use of an existing building or room to a center.
- (d) "Existing building" means a structure or part of a structure not currently used as a child care center.
- (e) "Existing licensed center" means a center that was licensed before the effective date of these rules and whose license continues uninterrupted.
- (f) "Exit" means a way of departure from the interior of a building or structure to the open air outside at ground level.
- (g) "Fire alarm" means a device used to alarm the occupants of the building of fire or smoke conditions. The device shall be audible in all parts of the building used as a center.
- (h) "Fire door assembly" means a side-hinged, labeled fire door and labeled frame constructed and installed in compliance with national standards fire protection association pamphlet No. 80, 1999, "Fire Doors and Windows," with a latching device and closing device labeled or listed in compliance with the listing and re-examination service of an approved, nationally recognized testing laboratory. The national fire protection association pamphlet No. 80 is hereby adopted by reference.

Annual Administrative Code Supplement
1998 - 2000 Edition

Copies of the adopted matter may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy Massachusetts 02269-9101, at a cost of \$23.50, or from the Department of Consumer and Industry Services, P.O. Box 30004, Lansing, Michigan 48909.

(i) "Fire-resistance rating" means the time for an element in a building to maintain its particular fire resistance properties in accordance with the national fire protection association pamphlet no. 251, 1995. The national fire protection association pamphlet No. 251 is hereby adopted by reference. Copies of the adopted matter may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, at a cost of \$23.25 or from the Department of Consumer and Industry Services, P.O. Box 30004, Lansing, Michigan 48909.

(j) "Fire-resistive construction" means a building having walls, ceilings, floors, partitions, and roof of combustible materials having a minimum fire-resistance rating of 1 hour. This definition shall not be construed as prohibiting finished wood floors, doors, and windows with assorted frames and trim.

(k) "Flammable" means materials capable of being readily ignitable from common sources of heat or at a temperature of 600 degrees Fahrenheit, 316 degrees Celsius, or less and will not propagate flame under the test conditions of the national fire protection association pamphlet no. 701, 1996, "Standard Methods of Fire Tests for Flame-Resistant Textiles and Film." Flameproofed materials are usually combustible materials with the addition of some treatment or coating to modify their burning properties. The national fire protection association pamphlet no. 701, 1996, is hereby adopted by reference. Copies of the adopted matter may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, at a cost of \$19.50 or from the Department of Consumer and Industry Services, P.O. Box 30004, Lansing, Michigan 48909.

(l) "Hazard area" means those parts of a center building housing a commercial kitchen, heating plant, fire-fueled hot water heater, incinerator, or an area which pose a higher degree of hazard than the general occupancy of the building.

(m) "Heating plant" means a room or area housing fuel-fired equipment. Where such equipment serves more than one room or area, the room is considered a "central heating plant."

(n) "Interior finish" means the exposed interior surface materials of walls, fixed or movable partitions, and ceilings. This includes drywall, masonry, or wood substructure and surfacing materials such as paneling, tile, or other interior finish material and any surfacing materials, such as paint or wallpaper, applied thereto. Interior finish includes materials affixed to the building structure as distinguished from decorations or furnishings.

(o) "Means of egress" means a continuous and unobstructed way of exit travel from any point in a building to the outside at grade.

(p) "New construction" means a created structure, addition, replacement, or alteration of structural components, such as walls.

(q) "Noncombustible" means materials that will not ignite and burn when subjected to fire.

(r) "Protected ordinary construction" means any of the following types of construction:

(i) Where roofs and floors and their supports have minimum hourly fire-resistance ratings.

(ii) Exterior bearing walls or bearing portions of exterior walls are of noncombustible or limited combustible materials and have minimum hourly fire-resistance ratings and stability under fire conditions.

(iii) Nonbearing exterior walls are of noncombustible or limited combustible materials.

(iv) Roofs, floors, and interior framing are wholly or partly made of wood of smaller dimension than required for heavy timber construction.

(s) "Textile material" means having a napped, tufted, looped, woven, non-woven or similar surface.

(t) "Wired glass" means glass not less than 1/4-inch thick, reinforced with wire mesh, number 24 gauge or heavier, with spacing not greater than 1 square inch.

(u) "Wood frame construction" means that type of construction in which exterior walls, bearing walls and partitions, and floor and roof constructions and their supports are made of wood or other combustible material.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5805 Plans and specifications; submission; approval.

Rule 805. (1) A center shall submit to the department a complete set of plans and specifications of any

Annual Administrative Code Supplement
1998 – 2000 Edition

proposed center or proposed addition, alteration, or remodeling to an existing center.

(2) A center shall obtain written approval from the department before initiating any construction.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5810 Construction.

Rule 810. (1) If child occupancy is limited to the first or main floor, then the building may be of wood frame construction.

(2) If child occupancy is on the second floor, then all of the following are required:

(a) The building shall be of protected ordinary construction.

(b) All required stairways and vertical openings shall be enclosed by walls, in conjunction with openings therein, and ceilings at which they terminate, that resist the passage of smoke.

(c) All door openings contained in subrule (2) (b) of this rule shall meet the following requirements:

(i) Be protected with a 1 3/4-inch solid core wood doors or their equivalent.

(ii) Be installed in fully stopped, reasonably smoketight, and substantial frames.

(iii) Be equipped with approved self-closing devices and nonlocking-against-egress positive latching hardware.

(3) If child occupancy is above the second floor, then all of the following shall be required:

(a) The building shall be of 1-hour fire-resistive construction.

(b) All required stairways and other vertical openings shall be enclosed by a minimum 1-hour fire-resistive construction to provide a protected means of egress.

(4) A center licensed before June 4, 1980, with child occupancy on the second floor or above, shall be permitted to remain licensed under both of the following conditions:

(a) There has been no increase in capacity.

(b) There has been continued compliance with all other applicable fire safety rules, including the requirements of subrule 2 of this rule relating to the protection of stairways, vertical openings, and means of egress.

(5) If any portion of a basement is used for child occupancy, then one of the following provisions shall be required:

(a) Two enclosed stairways of 1-hour fire-resistant construction shall terminate directly to the outside at grade, and all openings in the stairways shall be protected by B labeled fire doors and frame assemblies.

(b) One approved exit from the occupied room or use area directly to the outside at grade. Travel distance from any point in this room or area to this exit shall be less than 50 feet.

(6) If basement occupancy is limited to not more than 30 children, then the following shall apply:

(a) One of the exits required by subrule (5) of this rule shall discharge directly to the outside at grade or through a 1-hour fire-resistive enclosure.

(b) The second exit may terminate at the first floor level with an approved floor separation between basement and first floor.

(c) For new construction and conversions, the separation shall be located at the first floor with travel distance from the door to an approved exit not exceeding 100 feet.

(7) All vertical openings and stairways that are not required shall be constructed and arranged with effective fire and smoke separation. All door openings shall be as follows:

(a) Protected with 1 3/4 inch solid core wood doors or their equivalent.

(b) Installed in fully stopped and reasonably smoke-tight substantial frames.

(c) Equipped with approved self-closing devices and non-locking-against-egress positive latching hardware.

(8) Nighttime care must be located on levels having exits directly to grade.

History: 1979 ACS 2, Eff. June 4, 1980; 1984 MR 7, Eff. July 24, 1984; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5815 Interior finishes.

Rule 815. (1) The classifications of interior finishes for flame spread and smoke development in table 1 shall be used as follows:

TABLE 1
FLAME SPREAD AND SMOKE DEVELOPMENT

Annual Administrative Code Supplement
1998 - 2000 Edition

FOR INTERIOR FINISHES

Class	Flame Spread	Smoke Developed
A OR I	0-25	0-450
B OR II	26-75	0-450
C OR III	76-200	0-450

- (2) Basic materials in a means of egress and basement use occupancies shall be class A or I or B or II.
- (3) Basic materials in all other areas shall be class C or III.
- (4) Interior finish material more hazardous than class C or III shall be prohibited in child use areas.
- (5) In an existing licensed center or conversion, existing interior finishes which do not comply with the classifications in subrule (1) of this rule may have their surfaces protected with an approved fire-retardant coating to meet the classifications for interior finishes. Such coatings shall be applied to or furred out not more than 1 inch from a noncombustible backing and applied in accordance with manufacturer's recommendations.
- (6) Interior finish materials of classes B and C which are less than 1/4 inch in thickness, shall be applied directly against a noncombustible backing or shall be furred out not more than 1 inch unless the tests under which such material has been classed were made with the material suspended from the noncombustible backing.
- (7) Centers licensed between June 4, 1980 and the effective date of these rules may retain previously approved fire retardant-coated interior finishes.
- (8) Textile materials having a class A or I rating and used as an interior finish shall be permitted as follows:
- (a) On walls or ceilings of rooms or areas protected by an automatic sprinkler system approved by the department.
- (b) On room partitions that are less than 3/4 of the floor-to-ceiling height not to exceed 8 feet in height.
- (c) To extend up to 4 feet above the finished floor on ceiling-height walls and ceiling-height partitions.
- (d) Centers licensed before the effective date of these rules may retain previously approved installations of textile materials.
- (9) Drapery material may be used for stage curtains, room dividers, and similar uses if the material has been tested and approved in accordance with the national fire protection association pamphlet No. 701, "Standard Methods of Fire Tests for Flame-Resistant Textiles and Films," 1996 edition.
- (10) Drapery material applied to surfaces of a facility as an interior finish shall meet the requirements of subrule (8) of this rule.
- (11) All vinyl and wooden wall dividers shall meet the interior finish requirements of subrules (1) and (2) of this rule.
- (12) Bulletin boards shall meet the interior finish requirements.
- History: 1979 ACS 2, Eff. June 4, 1980; 1984 MR 7, Eff. July 24, 1984; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5820 Exits.

- Rule 820. (1) Except as referenced in R 400.5810(5) and (6)(c), each occupied floor shall have not less than 2 approved exits directly to the outside at grade, remote from each other, and occupied rooms within the center shall be located between means of egress, unless the occupied room has an approved exit direct to the outside at grade.
- (2) Travel distance to an exit shall be as follows:
- (a) For children ages birth through 23 months, travel shall be 50 feet or less from the door of the occupied room to the exit.
- (b) For children ages 24 months and older, travel shall be 100 feet or less from the door of the occupied room to the exit.
- (c) Those areas approved before the effective date of these rules are exempt from the requirements of this rule.
- (3) Exit doors and all doors in the means of egress shall be side-hinged and equipped with knob, or lever-type, non-locking-against-egress or panic-type hardware.
- (4) In a center licensed for 13 or more children, doors shall swing in the direction of egress.

Annual Administrative Code Supplement
1998 - 2000 Edition

- (5) Subrule (3) of this rule shall not apply to rooms having a normal occupancy of 12 or fewer children.
- (6) Means of egress shall be maintained in an unobstructed, easily traveled condition at all times that the center is in operation. Means of egress shall not be exposed to inherent hazards of the building, including heating plant, flammable storage, commercial kitchen, or other similar conditions.
- (7) For new construction and additions, an exit door shall be not less than 36 inches in width. Doors to multiple use bathrooms shall not be less than 32 inches wide.
- (8) For the conversion of an existing building, doors shall be not less than 28 inches wide.
- (9) Centers licensed before the effective date of these rules may retain previously approved door widths.
- (10) Exterior exits shall be marked or denoted by an approved exit sign. All exit signs shall be distinctive in color and shall provide contrast with decorations, interior finish, or other signs. Each exit sign shall have the word "exit" in plain, legible letters not less than 6 inches high on a background of contrasting color with strokes not less than 3/4-inch wide.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5825 Hazard Areas.

Rule 825. (1) In an existing licensed center, hazard areas shall be separated from the parts of the building used as a center in the following manner:

- (a) Where the area used for the storage of combustibles exceeds 100 square feet, by construction having a minimum 1-hour fire resistance rating. Openings in the separation shall be protected with a B labeled 1-hour fire door and frame assembly.
- (b) Where the area used for the storage of combustibles does not exceed 100 square feet, by construction having a minimum 1-hour fire-resistance rating. All door openings shall be protected by minimum 1 3/4-inch solid core wood doors or equivalent hung in substantial frames and equipped with approved self-closing devices and positive latching hardware.
- (2) Where a kitchen with commercial cooking equipment exposes a required means of egress or use area, the common wall or walls shall have a minimum 1-hour fire-resistance rating, with a B labeled fire door and frame assembly in the opening. Equipment protected by an approved automatic kitchen hood suppression system is exempt.
- (3) An incinerator shall be separated from the remainder of the center by construction having a 1-hour fire-resistance rating. Openings between the incinerator room and the remainder of the building shall be protected with a B labeled fire door and frame assembly. In new construction, the incinerator room shall have not less than 1 outside wall containing a window or door opening directly to the outside.
- (4) A heating plant shall be by a central heating plant, or an approved permanently installed electrical heating system. If heating is provided by a central heating plant, it shall be installed in an enclosure providing not less than a 1-hour fire-resistive separation, including a 1 3/4-inch solid core wood door or equivalent equipped with an approved self-closing device and positive latching hardware in any interior door opening exposing the enclosure. Air for proper combustion shall be provided directly from the outside through a permanently opened louver. The storage of combustible materials in a heating plant room is prohibited.
- (5) In an existing building, a properly installed heating plant located in a basement which is not used for child occupancy does not require additional protection where there is a qualified fire separation and with at least a 1 3/4-inch solid core wood door or equivalent hung in a substantial frame and equipped with an approved self-closing device and positive latching hardware in all stairway openings. Any heating plant located on the same floor that is used for child occupancy shall be enclosed by approved 1-hour fire-resistant construction.
- (6) Any fuel fired water heater or other similar equipment shall be located in the central heating plant room or in a room meeting the construction requirements in subrule (4) of this rule.
- (7) Where electric heating is used, it shall be underwriters' laboratories, inc. labeled or listed permanent, fixed-type electrical heating such as recognized panel or baseboard fixed-type. Electric heating which complies with this requirement may be installed in any location.
- (8) If a boiler is used, then it shall be inspected and a certificate provided, as required, by the boiler division, department of consumer and industry services.
- (9) An auxiliary-heating unit, such as a portable combustion or electrical type, shall not be used without

Annual Administrative Code Supplement
1998 – 2000 Edition

approval of the department.

(10) A center shall store flammable materials, including fuels, pressurized cans, cleaning fluids and supplies, polishes, and matches, outside of child use areas 10 feet or more from a central heating plant or fuel-fired hot water heater in metal cabinets or storage facilities accessible only to authorized personnel.

(11) A center shall not store combustible material within 10 feet of the central heating plant or fuel fired hot water heater.

(12) A center shall not permit gasoline-powered equipment in the part of a building which is used as a center or in other parts of the building from which there is a door, window, or other opening into the center.

(13) In new construction, if commercial-type laundry equipment is installed, then the equipment shall be enclosed to provide a 1-hour resistance to fire, including a B labeled fire door and frame assembly in an interior door opening which would expose the center.

(14) Fire dampers shall not be required in 3/4-hour and 1-hour fire-resistive enclosures.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5830 Rescinded.

History: 1979 ACS 2, Eff. June 4, 1980; rescinded 2000 MR 4, Eff. Jul 1, 2000.

R 400.5835 Multiple occupancy.

Rule 835. (1) Multiple occupancy of a building may qualify for licensure if the entire building does not present a life safety hazard. A center currently licensed in such a building may continue as long as such occupancies do not change in character.

(2) A building, part of which is used for hazardous operations or for occupancy that is unpredictable, such as taverns, garages, repair shops, and industrial operations, shall not be permitted for center use. However, an exception may be made for a vocational education center approved by the department of career development.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5840 Fire alarm.

Rule 840. (1) In any building used as a center, if more than 1 room is occupied by children, then an approved fire alarm system shall be established. This system may be either electrical or manual.

(2) In centers of more than 4 child occupied rooms, excluding bathrooms, or in centers licensed for more than 60 children, an approved closed circuit, self-supervised electrical fire alarm system shall be installed.

(3) Newly installed system trouble alarms shall be located in an area normally occupied by staff.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5841 Smoke detectors.

Rule 841. (1) Newly constructed centers and additions shall be equipped with approved smoke detectors.

(2) Centers shall properly install and maintain all detectors in operable condition in accordance with manufacturer's recommendations.

History: 2000 MR 4, Eff. Jul. 1, 2000.

R 400.5845 Fire extinguishers.

Rule 845. (1) A center shall install multipurpose fire extinguishers, having ratings of not less than 2A-10BC in or adjacent to the kitchen or cooking area and in the heating plant room.

(2) The requirement of having additional multipurpose fire extinguishers with ratings of not less than 2A-10BC shall be determined by the fire inspecting authority and shall be based on the capacity of the center and on other conditions in the facility.

(3) Fire extinguishers shall be properly mounted, inspected, and maintained in accordance with national standards. The fire extinguisher shall bear a tag indicating the last date of inspection or service and the initials of the person who performed the inspection or service.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul. 1, 2000.

R 400.5850 Electrical service.

Rule 850. (1) The electrical service shall be maintained in a safe condition.

Annual Administrative Code Supplement
1998 – 2000 Edition

(2) All electrical systems and service shall be inspected and approved by the electrical authority having jurisdiction. A copy of the approved electrical service shall be maintained at the center at all times.

(3) Extension cords listed by a nationally recognized laboratory, and used in accordance with all manufacturer's recommendations, may be used on a temporary basis, and for short periods of time.

(4) All electrical outlets in child use areas shall be made inaccessible to children.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul. 1, 2000.

R 400.5855 Rescinded.

History: 1979 ACS 2, Eff. June 4, 1980; rescinded 2000 MR 4, Eff. Jul. 1, 2000.

R 400.5856 Open flame devices or candles.

Rule 856. All open-flame devices or candles shall be prohibited, except for religious celebrations.

History: 2000 MR 4, Eff. Jul. 1, 2000.

R 400.5860 Rescinded.

History: 1979 ACS 2, Eff. June 4, 1980; rescinded 2000 MR 4, Eff. Jul. 1, 2000.

R 400.5865 Occurrence of fire; report.

Rule 865. If a fire occurs in a center and results in loss of life or property, it is the responsibility of the center to notify the local fire authority and the department of all details of the fire. This notification shall occur immediately after the occurrence of the fire.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul. 2000.

R 400.5870 Public school operated childcare center exemption.

Rule 870. The fire safety provisions of these rules shall not apply to public school-based day care if the center uses a public school building which has been approved by the office of fire safety for public school use.

History: 2000 MR 4, Eff. Jul. 1, 2000.

PART 9. SANITATION PROVISIONS

R 400.5901 Plan review; approval.

Rule 901. A center shall comply with all local health authority requirements regarding plans and specifications.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5902 Food service sanitation.

Rule 902. (1) Facilities, equipment, and procedures used for the preparation, storage, and service of food, whether on or off the premises, shall comply with the applicable provisions of sections 12901 to 12922 of Act No. 368 of the Public Acts of 1978, as amended, being §§333.12901 to 333.12922 of the Michigan Compiled Laws. Facilities, equipment, and procedures required shall depend on the amount of food service and the type of food service operation.

(2) Food preparation areas shall meet the following requirements:

(a) Food contact surfaces are to be smooth, non-toxic, easily cleanable, durable, corrosion resistant, and nonabsorbent.

(b) Carpeting is prohibited.

(c) Mechanical ventilation to the outside is required for all cooking equipment, which includes but is not limited to, stoves, ranges, ovens, griddles, and fryers.

(3) The center shall assure that all food is protected from potential contamination.

(4) The center shall assure that all tableware, utensils, food contact surfaces, and equipment are thoroughly washed, rinsed, and sanitized after each use.

(5) Staff shall thoroughly wash their hands before preparing food.

(6) The hands of children and staff shall be thoroughly washed before eating.

History: 2000 MR 4, Eff. Jul 1, 2000.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.5903 Poisonous or toxic materials.

Rule 903. Containers of poisonous or toxic materials shall be clearly labeled for easy identification of contents and stored out of reach of children.

History: 2000 MR 4, Eff. Jul 1, 2000.

R 400.5905 Premises.

Rule 905. (1) A center shall be located on land that provides good natural drainage or that is properly drained.

(2) Stairs, walkways, ramps, landings, and porches shall meet the following requirements:

(A) If elevated, shall have barriers to prevent falls and handrails designed and constructed for use by children.

(B) Shall be maintained in a safe condition relative to the accumulation of water, ice, or snow, and shall have nonslip surfacing.

(C) Landings shall be located outside exit doors where steps or stairs are necessary and shall be at least as wide as the swing of the door.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5910

Source: 1984 AACS.

R 400.5915 Light, ventilation, and screening.

Rule 915. (1) The total ventilation area in every habitable room, as provided by openable windows, shall be not less than 4½ percent of the floor area, unless central air conditioning is provided.

(2) If ventilation is dependent on a mechanical system, then the system shall be on at all times while the building is occupied and shall comply with the ventilation requirements of the applicable mechanical code of the authority having jurisdiction.

(3) Artificial light or natural light, or both, shall be capable of providing a minimum illumination of 20-foot candles over the entire room at a height of 3 feet from the floor.

(4) During the fly season, May 1 through October 31, a window used for ventilation shall be supplied with screening of not less than 16 mesh, which shall be kept in good repair.

(5) Propping doors open for ventilation is prohibited.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5920 Water supply.

Rule 920. (1) Sinks, lavatories, drinking fountains, and other water outlets shall be supplied with safe water, sufficient in quantity and pressure to meet conditions of peak demand. Hot water temperatures shall not exceed 120 degrees Fahrenheit at outlets accessible to children.

(2) The water system shall comply with the requirements of the local health authority.

(3) Plumbing shall be designed, constructed, installed, and maintained to prevent cross-connection with the water system.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5925 Toilets and washbasins.

Rule 925. (1) A center shall provide at least 1 toilet and 1 washbasin for every 20 children or fraction thereof beyond the first 20, except that a center operating with children in attendance for 5 or more continuous hours a day shall have 1 toilet and 1 washbasin for every 15 children or fraction thereof.

(2) Bathrooms for school age children shall provide for privacy.

History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5930

Source: 1984 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.5935 Garbage and refuse.

Rule 935. (1) A center shall store garbage in flyproof and watertight containers with tightfitting covers.
(2) A garbage can shall be provided with a waterproof liner or be thoroughly cleaned after each emptying.
(3) A center shall have garbage and refuse removed at intervals of at least once a week so as not to create a menace to health.
(4) If a dumpster is used, then garbage shall be placed in a fly-proof plastic bag.
History: 1979 ACS 2, Eff. June 4, 1980; 2000 MR 4, Eff. Jul 1, 2000.

R 400.5940

Source: 1980 AACS.

DIVISION OF CHILD WELFARE LICENSING
CHILD PLACING AGENCIES
PART 1. GENERAL PROVISIONS

R 400.6101

Source: 1980 AACS.

R 400.6102

Source: 1980 AACS.

R 400.6108

Source: 1980 AACS.

R 400.6110

Source: 1980 AACS.

R 400.6112

Source: 1980 AACS.

R 400.6114

Source: 1980 AACS.

R 400.6117

Source: 1980 AACS.

R 400.6119

Source: 1980 AACS.

R 400.6122

Source: 1980 AACS.

R 400.6123

Source: 1980 AACS.

R 400.6124

Source: 1980 AACS.

R 400.6126

Source: 1980 AACS.

R 400.6128

Source: 1980 AACS.

R 400.6129

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1980 AACS.

R 400.6131

Source: 1980 AACS.

R 400.6133

Source: 1980 AACS.

R 400.6135

Source: 1980 AACS.

R 400.6136

Source: 1980 AACS.

R 400.6137

Source: 1980 AACS.

R 400.6139

Source: 1980 AACS.

R 400.6142

Source: 1980 AACS.

R 400.6143

Source: 1980 AACS.

R 400.6145

Source: 1980 AACS.

R 400.6148

Source: 1980 AACS.

R 400.6151

Source: 1980 AACS.

R 400.6152

Source: 1980 AACS.

PART 2. FOSTER HOME CARE

R 400.6201

Source: 1980 AACS.

R 400.6202

Source: 1980 AACS.

R 400.6204

Source: 1980 AACS.

R 400.6207

Source: 1980 AACS.

R 400.6209

Source: 1980 AACS.

R 400.6211

Source: 1980 AACS.

R 400.6215

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1980 AACS.

R 400.6216

Source: 1980 AACS.

R 400.6218

Source: 1980 AACS.

R 400.6219

Source: 1980 AACS.

R 400.6221

Source: 1980 AACS.

R 400.6222

Source: 1980 AACS.

R 400.6223

Source: 1980 AACS.

R 400.6225

Source: 1980 AACS.

R 400.6226

Source: 1980 AACS.

R 400.6227

Source: 1980 AACS.

R 400.6228

Source: 1980 AACS.

R 400.6229

Source: 1980 AACS.

R 400.6230

Source: 1980 AACS.

R 400.6231

Source: 1980 AACS.

R 400.6232

Source: 1980 AACS.

R 400.6234

Source: 1980 AACS.

R 400.6238

Source: 1980 AACS.

R 400.6240

Source: 1980 AACS.

R 400.6245

Source: 1980 AACS.

R 400.6250

Source: 1980 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.6252
Source: 1980 AACS.

R 400.6254
Source: 1980 AACS.

R 400.6260
Source: 1980 AACS.

R 400.6261
Source: 1980 AACS.

R 400.6262
Source: 1980 AACS.

R 400.6263
Source: 1980 AACS.

R 400.6265
Source: 1980 AACS.

R 400.6267
Source: 1980 AACS.

R 400.6271
Source: 1980 AACS.

R 400.6274
Source: 1980 AACS.

R 400.6277
Source: 1980 AACS.

R 400.6279
Source: 1980 AACS.

R 400.6280
Source: 1980 AACS.

R 400.6281
Source: 1980 AACS.

R 400.6282
Source: 1980 AACS.

PART 3. FOSTER HOME CERTIFICATION

R 400.6301
Source: 1980 AACS.

R 400.6302
Source: 1980 AACS.

R 400.6303
Source: 1980 AACS.

R 400.6305
Source: 1980 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.6306
Source: 1980 AACS.

R 400.6308
Source: 1980 AACS.

R 400.6309
Source: 1980 AACS.

R 400.6311
Source: 1980 AACS.

R 400.6314
Source: 1980 AACS.

R 400.6319
Source: 1980 AACS.

R 400.6320
Source: 1980 AACS.

R 400.6322
Source: 1980 AACS.

R 400.6323
Source: 1980 AACS.

R 400.6324
Source: 1980 AACS.

PART 4. INDEPENDENT LIVING

R 400.6401
Source: 1980 AACS.

R 400.6402
Source: 1980 AACS.

R 400.6405
Source: 1980 AACS.

R 400.6407
Source: 1980 AACS.

R 400.6411
Source: 1980 AACS.

R 400.6416
Source: 1980 AACS.

PART 5. ADOPTION

R 400.6501
Source: 1980 AACS.

R 400.6502
Source: 1980 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.6505
Source: 1980 AACS.

R 400.6508
Source: 1980 AACS.

R 400.6509
Source: 1980 AACS.

R 400.6511
Source: 1980 AACS.

R 400.6513
Source: 1980 AACS.

R 400.6515
Source: 1980 AACS.

R 400.6518
Source: 1980 AACS.

R 400.6520
Source: 1980 AACS.

R 400.6522
Source: 1997 AACS.

FAMILY SERVICES ADMINISTRATION
STATE EMERGENCY RELIEF PROGRAM

R 400.7001
Source: 1993 AACS.

R 400.7002
Source: 1993 AACS.

R 400.7003
Source: 1993 AACS.

R 400.7004
Source: 1993 AACS.

R 400.7005
Source: 1993 AACS.

R 400.7006
Source: 1993 AACS.

R 400.7007
Source: 1993 AACS.

R 400.7008
Source: 1993 AACS.

R 400.7009
Source: 1993 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.7010
Source: 1993 AACS.

R 400.7011
Source: 1993 AACS.

R 400.7012
Source: 1993 AACS.

R 400.7013
Source: 1993 AACS.

R 400.7014
Source: 1993 AACS.

R 400.7015
Source: 1993 AACS.

R 400.7016
Source: 1993 AACS.

R 400.7017
Source: 1993 AACS.

R 400.7018
Source: 1993 AACS.

R 400.7019
Source: 1993 AACS.

R 400.7020
Source: 1993 AACS.

R 400.7021
Source: 1993 AACS.

R 400.7022
Source: 1993 AACS.

R 400.7023
Source: 1993 AACS.

R 400.7024
Source: 1993 AACS.

R 400.7025
Source: 1993 AACS.

R 400.7026
Source: 1993 AACS.

R 400.7027
Source: 1993 AACS.

R 400.7028
Source: 1993 AACS.

R 400.7029
Source: 1993 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.7030
Source: 1993 AACS.

R 400.7031
Source: 1993 AACS.

R 400.7032
Source: 1993 AACS.

R 400.7033
Source: 1993 AACS.

R 400.7034
Source: 1993 AACS.

R 400.7049
Source: 1993 AACS.

MEDICAL SERVICES ADMINISTRATION
GENERAL ASSISTANCE MEDICAL PROGRAM AUTHORIZATION

R 400.7101—R 400.7109
Source: 1997 AACS.

PROHIBITION OF DISCRIMINATION IN THE MEDICAL ASSISTANCE PROGRAM
AND THE GENERAL ASSISTANCE MEDICAL PROGRAM

R 400.7171
Source: 1980 AACS.

R 400.7172
Source: 1980 AACS.

R 400.7173
Source: 1980 AACS.

MONITORING AND CONTROLLING RECIPIENT USE OF
MEDICAL ASSISTANCE PROGRAM SERVICES

R 400.7391
Source: 1981 AACS.

R 400.7392
Source: 1981 AACS.

R 400.7393
Source: 1981 AACS.

R 400.7394
Source: 1981 AACS.

R 400.7395
Source: 1981 AACS.

R 400.7396
Source: 1981 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.7397

Source: 1981 AACS.

STERILIZATION AND HYSTERECTOMY CONSENT PROCEDURES

R 400.7701

Source: 1980 AACS.

R 400.7702

Source: 1980 AACS.

R 400.7703

Source: 1980 AACS.

R 400.7704

Source: 1980 AACS.

R 400.7705

Source: 1980 AACS.

R 400.7706

Source: 1980 AACS.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIVISION OF CHILD WELFARE LICENSING

FOSTER FAMILY HOMES AND FOSTER FAMILY GROUP HOMES

PART 1. GENERAL PROVISIONS

R 400.9101 Definitions.

Rule 101. As used in these rules:

- (a) "Act" means Act No. 116 of the Public Acts of 1973, as amended, being §722.111 et seq. of the Michigan Compiled Laws.
- (b) "Agency" means the child placing agency that certifies the foster home for licensure by the department.
- (c) "Department" means the Michigan department of consumer and industry services.
- (d) "Family member" means foster parents, foster children, and members of the household.
- (e) "Foster care" means the care, training, protection, and supervision of a foster child.
- (f) "Foster child" means a person who meets all of the following criteria:
 - (i) Resides in a foster home.
 - (ii) Is less than 18 years of age or becomes 18 years of age while residing in the foster home and continues to reside in the foster home to receive care, maintenance, training, and supervision.
 - (iii) Is not related to an adult member of the household by blood, adoption, or marriage.
 - (iv) Has been placed in the home by an agency.
- (g) "Foster home" means a foster family home or foster family group home as defined in section 1 of the act.
- (h) "Foster parent" means the person or persons to whom a foster home license is issued.
- (i) "Member of the household" means any person, other than foster children, who resides in a foster home on an ongoing or recurrent basis.
- (j) "Substantial noncompliance" means repeated violation of the act or an administrative rule promulgated under the act, or noncompliance with the act, a rule promulgated under the act, or the terms of a license that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.
- (k) "Substitute care" means care that is provided to a foster child when the foster parent is not present.

Annual Administrative Code Supplement
1998 – 2000 Edition

(l) "Willful noncompliance" means, after receiving a copy of the act, the rules promulgated under the act, and a copy of the terms of the license if applicable, an applicant or licensee knows or had reason to know that his or her conduct is a violation of the act, the rules promulgated under the act, or the terms of the license.
History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9102 Rule variance.

Rule 102. (1) The department may grant a variance from an administrative rule if all of the following provisions are satisfied:

- (a) The agency and the foster parent have reviewed and agreed with the request.
- (b) The agency requests the variance, in writing, from the department.
- (c) The proposed variance from the rule assures that the health, care, safety, protection, and supervision of a foster child are maintained.

(2) The decision of the department, including the conditions for which the variance is granted, shall be entered upon the records of the department and a signed copy shall be sent to the agency and the foster parent. The variance may be time-limited or may remain in effect as long as the foster parent continues to assure that the health, care, safety, protection, and supervision of foster children are maintained.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9199 Rescission.

Rule 199. R 400.191 to R 400.195 of the Michigan Administrative Code, appearing on pages 3006 to 3009 of the 1979 Michigan Administrative Code, are rescinded.

History: 2000 MR 15, Eff. Jan. 1, 2001.

PART 2. APPLICATION AND LICENSING

R 400.9201 Foster home applicant qualifications.

Rule 201. A foster home applicant shall meet all of the following qualifications:

- (a) Be 18 years of age or older.
- (b) Be of good moral character.
- (c) Express a willingness to provide care for children who are served by the agency.
- (d) Demonstrate an understanding of the care which must be provided to the children served by the agency or express a willingness to learn how to provide that care.
- (e) Have adequate time to provide care and supervision for the children.
- (f) Have a defined source of income, and be capable of managing that income, to meet the needs of the foster family.
- (g) Be of such physical, mental, and emotional health to assure appropriate care of children.
- (h) Express a willingness, and demonstrate the ability, to work with a foster child's family or future family.
- (i) Demonstrate suitable habits, temperament, and reputation to assure the proper care and safety of children.
- (j) Demonstrate a willingness and ability to comply with the licensing rules for foster homes.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9202 Member of household qualifications.

Rule 202. To assure the safety and welfare of a foster child, a member of the household shall meet all of the following qualifications:

- (a) Be of good moral character.
- (b) Have a temperament, habits, and reputation that will not impair the care of a foster child.
- (c) Be in a state of physical, mental, and emotional health that will not impair the care of a foster child.
- (d) Be willing to accept a foster child into the foster home as a member of the household.
- (e) Any adult member of the household who provides care for foster children shall also meet the qualifications specified in R 400.9201.

R 400.9203 Orientation.

Annual Administrative Code Supplement
1998 – 2000 Edition

Rule 203. Before completing and submitting an application for an original license, each applicant for a foster home license shall attend orientation pursuant to R 400.12307.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9204 Application submission.

Rule 204. (1) A foster home applicant shall complete, sign, and submit an application within 30 days of receiving an application. If an application is not submitted within 30 days of receipt, the application shall be considered withdrawn.

(2) In a 2-caregiver household, both caregivers shall sign the application.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9205 Records check.

Rule 205. (1) A foster home applicant shall provide the agency with the name of, and a signed release to obtain any of the following information about, each adult member of the household:

- (a) Conviction of a crime other than a minor traffic violation.
- (b) Involvement in substantiated abuse or neglect of a child or adult.
- (c) Placement on court-supervised parole or probation.

(2) By the next working day after another adult moves into a currently licensed foster home, or upon the request of the agency, a foster parent shall provide the agency with the name of the adult and a signed release to obtain the information required in subrule (1) of this rule.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9206 Foster home evaluation.

Rule 206. A foster home applicant shall do all of the following:

- (a) Allow the agency reasonable access to the foster home for licensing and foster child supervision purposes.
- (b) Truthfully assist the agency in determining all of the following:
 - (i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence.
 - (ii) Educational history and any special skills and interests.
 - (iii) Employment history, current financial status, including property and income, money management skills and outstanding financial obligations.
 - (iv) Physical, mental, and emotional health of each member of the household.
 - (v) Any history of substance abuse of each member of the household.
 - (vi) Parenting skills and attitudes toward children.
 - (vii) Methods of discipline of children.
 - (viii) Adjustment and special needs of the applicant's own children.
 - (ix) Strengths and weaknesses of each member of the household.
 - (x) Experiences with own parents and any history of out-of-home care.
 - (xi) Family's perception of the purpose of foster care.
 - (xii) Reason for applying to be a foster family.
 - (xiii) Previous experience in providing child foster care, child day care, or adult foster care.
 - (xiv) Attitude of each member of the household toward accepting a foster child.
 - (xv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of a foster child.
 - (xvi) Capacity and disposition to give a foster child guidance, love, and affection.
 - (xvii) Family's willingness to work with a foster child's family.
 - (xviii) Adequacy of the applicant's house, property, neighborhood, schools, and community for the purpose of providing foster care as determined by an on-site visit.
 - (xix) The age, number, sex, race, ethnic background, and special characteristics of children preferred by the applicants.
- (c) Provide the agency with both of the following:
 - (i) Three references from persons not related to the applicants.
 - (ii) A medical statement for each member of the household that indicates that the member has no known

Annual Administrative Code Supplement
1998 – 2000 Edition

condition which would affect the care of a foster child. The statement shall be signed by a physician within the 12-month period before licensure.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9207 Foster home reevaluations.

Rule 207. A foster parent shall do all of the following:

- (a) Allow the agency reasonable access to the foster home for licensing and foster child supervision purposes.
- (b) Provide all changes to the factual information contained in the initial evaluation and subsequent evaluations.
- (c) Share information on family functioning and interrelationships.
- (d) Provide a preference for receiving children in placement, including the characteristics, age, sex, race, ethnic background, and number of children the foster parents would not wish to accept in placement.

History: 2000 MR 15, Eff. Jan. 1, 2001.

PART 3. THE FOSTER HOME

R 400.9301 Maintenance.

Rule 301. (1) A foster parent shall ensure that the property, structure, premises, and furnishings of a foster home are constructed and maintained in a clean and safe condition and in good repair.

(2) A foster parent shall ensure that the property, structures, premises, and furnishings are adequately constructed and maintained to meet the needs of each foster child and each member of the household.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9302 Heat, light, and ventilation.

Rule 302. (1) A foster parent shall ensure that the foster home heat, light, and ventilation is adequate.

(2) A foster parent shall ensure that the foster home windows and doors are screened if used for ventilation.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9303 Flame and heat-producing equipment; maintenance; inspection.

Rule 303. (1) A foster parent shall ensure that all of the following items are maintained in safe condition:

- (a) Furnace.
 - (b) Water heater.
 - (c) Fireplace.
 - (d) Pipes.
 - (e) Radiators.
 - (f) Wood-burning stoves.
 - (g) Other flame-producing or heat-producing equipment.
- (2) Portable heating devices may be used for up and awake activity, except in bedrooms.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9304 Smoke detectors; carbon monoxide detectors.

Rule 304. (1) A foster parent shall ensure that at least 1 single-station smoke detector that is approved by a nationally recognized testing laboratory is installed and maintained as follows:

- (a) On each floor of the home, including the basement.
- (b) Between the sleeping area and the rest of the home. In a home that has more than 1 sleeping area, a foster parent shall ensure that a smoke detector is installed and maintained to protect each separate sleeping area.
- (c) In areas of the home that contain flame or heat-producing equipment other than domestic stoves and clothes dryers.

(2) A foster parent shall ensure that at least 1 carbon monoxide detector that is approved by a nationally recognized testing laboratory is installed and maintained in an area of the home as recommended by the manufacturer.

History: 2000 MR 15, Eff. Jan. 1, 2001.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.9305 Bathrooms; water supply; sewage disposal.

Rule 305. (1) A foster parent shall ensure that the foster home has a minimum of 1 flush toilet, 1 washbasin that has warm and cold running water, and 1 bathtub or shower that has warm and cold running water, all of which shall be in working order.

(2) A foster parent shall ensure that the temperature of water available from outlets accessible to a foster child shall not exceed 120 degrees Fahrenheit.

(3) A foster parent shall ensure that the foster home that provides care to a foster child who regularly requires the use of a wheelchair has bathroom facilities that are readily accessible to the foster child.

(4) A foster parent shall ensure that the foster home water supply is from a source that is approved for a private home by the health authority.

(5) A foster parent shall ensure that all sewage is disposed of through a public system or, in the absence of a public system, in a manner that is approved for a private home by the health authority.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9306 Bedrooms.

Rule 306. (1) A foster parent shall ensure that bedrooms comply with all of the following provisions:

(a) Provide an adequate opportunity for both rest and privacy and access to adult supervision as appropriate for the age and functioning level of each child.

(b) Have not less than 40 square feet of floor space per person, excluding closets.

(c) Have sufficient space for the storage of clothing and personal belongings.

(d) Have a finished ceiling, floor-to-ceiling permanently affixed walls, and finished flooring.

(e) Have a latchable door that leads directly to a means of egress. As used in this rule, latchable means that the door can be closed and will remain closed until someone opens it. Latchable does not mean lockable.

(f) Have at least 1 outside window that complies with all of the following provisions:

(i) Is accessible to children and caregivers.

(ii) Can be readily opened from the inside of the room.

(iii) Is of sufficient size and design to allow for the evacuation of children and caregivers.

(g) Be free of all of the following:

(i) Household heating equipment.

(ii) Water heater.

(iii) Clothes washer.

(iv) Clothes dryer.

(2) A foster parent shall not use as a bedroom a room that is primarily used for purposes other than sleeping.

A foster parent shall not use any of the following as a bedroom:

(a) A hall.

(b) A closet.

(c) A stairway.

(d) A garage.

(e) A shed.

(f) A detached building.

(g) A room or space, including an attic, that is accessible only by a ladder, folding stairway, or through a trapdoor.

(3) A foster parent shall provide comfortable beds. A foster parent shall ensure that each bed is appropriate for the age and functioning level of the occupant and is equipped with all of the following:

(a) A clean and comfortable mattress.

(b) A clean pillow.

(c) Clean linens.

(d) Blankets appropriate for the weather.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9307 Exits.

Rule 307. (1) A foster parent shall ensure that there are 2 exits from each floor level used by a family

Annual Administrative Code Supplement
1998 - 2000 Edition

member. A foster parent shall ensure that the exits are remote from each other and that 1 of the exits provides a direct, safe means of unobstructed travel to the outside at street or ground level.

(2) A window may be used as a second exit if it is in compliance with all of the following provisions:

- (a) Is accessible to children and caregivers.
- (b) Can be readily opened from the inside of the room.
- (c) Is of a size and design to allow for the evacuation of children and caregivers.

(3) If a family member occupies a level of a home that is above the second floor, then the building shall have 2 stairways to ground level, at least 1 of which shall provide a direct means of egress to the outside at ground level.

R 400.9308 Telephone.

Rule 308. (1) A foster parent shall ensure that an operating telephone is available in the foster home.

(2) A foster parent shall ensure that emergency telephone numbers which follow appropriate agency protocol are within sight of the telephone.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9309 Wheelchair access.

Rule 309. A foster parent shall ensure that a foster home which provides care to a foster child who regularly requires the use of a wheelchair is wheelchair accessible.

History: 2000 MR 15, Eff. Jan. 1, 2001.

PART 4. FOSTER CARE

R 400.9401 Child capacity; living arrangement.

Rule 401. (1) The maximum number of children under 17 years of age, including children of the foster parents, who may live in or receive care in a foster home at any given time is 8.

(2) Not more than 2 children under 1 year of age, including the children of the foster parents, may receive care in a foster home at any time.

(3) A child who is nonambulatory and cannot readily be carried by 1 member of the household shall sleep in a bedroom that has a means of exiting at ground level.

(4) A child shall not share a bedroom with a non-parent adult unless the child and adult are siblings of the same sex, the child is less than 1 year of age, or the child has a special medical need that requires the attention of an adult during sleeping hours.

(5) A child, 3 years of age or older, shall not routinely share the same bedroom with a parent.

(6) Children of the opposite sex, any of whom are more than 5 years of age, shall not share the same bedroom.

(7) Each child shall sleep alone in a bed or with only 1 other child of the same sex in a double bed. Sharing a double bed shall be based on the age, functioning level, and individual needs of each child.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9402 Child placement.

Rule 402. (1) A foster parent shall receive a foster child for care only within the approved placement specifications.

(2) A foster parent shall receive a foster child for care only within the terms of the foster home license.

(3) A foster parent shall receive a foster child for care only from the agency that certified the home or from another agency with the prior approval of the agency that certified the home.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9403 Foster parent duties.

Rule 403. A foster parent shall carry out each of the following functions:

(a) Cooperate with and assist the agency in the agency's implementation of the service plan for children and their families.

(b) Fully disclose to the agency information concerning a foster child's progress and problems.

Annual Administrative Code Supplement
1998 – 2000 Edition

(c) Provide written notification to the agency of the need for a foster child to be moved from the foster home not less than 14 calendar days before the move, except when a delay would jeopardize the foster child's care or safety or the safety of members of the foster family.

(d) Maintain a copy of and follow the agency's written policies and procedures for foster parents and foster care, including the policies and procedures for all of the following:

(i) Behavior management as required by R 400.12406.

(ii) Religion as required by R 400.12407.

(iii) Mail as required by R 400.12408.

(iv) Education as required by R 400.12409.

(v) Personal possessions, allowances, and money as required by R 400.12410.

(vi) Clothing as required by R 400.12411.

(vii) Emergencies as required by R 400.12412.

(viii) Medical and dental care as required by R 400.12413.

(ix) Substitute care as required by R 400.12414.

(x) Unusual incidents as required by R 400.12415.

(xi) Hazardous materials as required by R 400.12416.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9404 Behavior management.

Rule 404. (1) A foster parent shall follow the behavior management plan developed for each foster child by the agency.

(2) A foster parent may use reasonable restraint to prevent a foster child from harming himself or herself, other persons, or property or to allow the child to gain control of himself or herself.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9405 Religion.

Rule 405. A foster parent shall follow the agency's religion policy.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9406 Mail.

Rule 406. A foster parent shall ensure that a foster child can send and receive mail in accordance with the agency's mail policy.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9407 Education.

Rule 407. A foster parent shall cooperate with the agency to implement the education or training plan for a foster child to ensure that a school-age child attends school or a training program and shall participate with the school or the training program in educational planning.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9408 Personal possessions, allowances, and money.

Rule 408. (1) A foster parent shall account for, and keep a list of, any cash or valuables which belong to each foster child and which are entrusted to the care and control of the foster parent.

(2) A foster parent shall ensure that all of a foster child's possessions are provided to the foster child or agency when the child moves from the foster home.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9409 Clothing.

Rule 409. (1) A foster parent shall provide a sufficient amount of clothing properly sized and seasonally appropriate for each foster child, as arranged by the agency.

(2) Clothing provided to a foster child is the child's property and a foster parent shall ensure that the clothing is provided to the child if the child moves from the foster home.

History: 2000 MR 15, Eff. Jan. 1, 2001.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.9410 Emergencies.

Rule 410. (1) A foster parent shall follow agency approved written procedures for each of the following emergencies:

- (a) Fire.
- (b) Tornado.
- (c) Serious accident or injury.

(2) A foster parent who provides care for a person who requires assistance to evacuate the home shall follow agency approved written procedures for prompt evacuation.

(3) A foster parent shall familiarize each member of the household, including the foster child according to the child's ability to understand, and persons who provide substitute care with the emergency and evacuation procedures.

History: 2000 MR 15, Eff. Jan. 1, 2001.

Rule 400.9411 Medical and dental care.

Rule 411. (1) A foster parent shall follow and carry out the health plan for a foster child as prescribed by a physician, health authority, or the agency.

(2) A foster parent shall follow agency approved protocols for medical care of a foster child who is injured or ill.

(3) A foster parent shall ensure that medications are inaccessible to children unless medically necessary.

(4) A foster parent shall ensure that prescription medication is given or applied as directed by a licensed physician.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9412 Substitute care.

Rule 412. A foster parent shall follow the agency's substitute care policy.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9413 Unusual incident notification.

Rule 413. (1) A foster parent shall immediately notify the agency of the death of a foster child.

(2) A foster parent shall immediately notify the agency of the removal or attempted removal of a foster child from a foster home by any person not authorized by the agency.

(3) A foster parent shall notify the agency within 24 hours of determining that a foster child is missing.

(4) A foster parent shall notify the agency within 24 hours after the foster parent knows of any of the following:

- (a) Any illness that results in inpatient hospitalization of a foster child.
- (b) Any accident or injury of a foster child that requires medical treatment by a licensed or registered health care person.
- (c) A foster child's involvement with law enforcement authorities.

R 400.9414 Hazardous materials.

Rule 414. A foster parent shall follow the agency's hazardous materials policy.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9415 Foster parent training.

Rule 415. A foster parent shall attend training as required by the agency foster parent training plan.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9416 Food and nutrition.

Rule 416. (1) A foster parent shall provide for the nutritional needs of each foster child in the foster home.

(2) A foster parent shall provide a foster child with meals that are nutritious, well-balanced, and of sufficient quantity.

(3) A foster parent shall provide a special diet if a foster child has been prescribed a special diet. Only a

Annual Administrative Code Supplement
1998 – 2000 Edition

licensed physician or other health professional under the supervision of a licensed physician may prescribe special diets.

(4) A foster parent shall permit a foster child to eat with other members of the household.

(5) A foster parent shall serve a foster child the same meals as other members of the household, unless a special diet has been prescribed or unless otherwise dictated by differing nutritional requirements related to the child's age, medical condition, or religious beliefs.

(6) A foster parent shall ensure that refrigeration is used for perishable foods.

(7) A foster parent shall only serve pasturized milk products to foster children.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9417 Foster child tasks.

Rule 417. A foster parent may permit a foster child to perform only those routine tasks that are within the child's ability, are reasonable, and are similar to routine tasks expected of other members of the household of similar age and ability.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9418 Recreation.

Rule 418. A foster parent shall provide a variety of indoor and outdoor recreational activities and shall encourage a foster child to participate in recreational activities that are appropriate for the child's age and ability.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9419 Transportation.

Rule 419. A foster parent shall ensure that the transportation of the foster child, foster parents, and members of the household is conducted as required by state law.

History: 2000 MR 15, Eff. Jan. 1, 2001.

PART 5. REPORTING AND RECORDKEEPING

R 400.9501 Reporting suspected child abuse or neglect.

Rule 501. (1) A foster parent who has reasonable cause to suspect physical or sexual abuse or neglect of a child shall make a report immediately to the child protective services unit of the local county office of the family independence agency.

(2) If the suspected physical or sexual abuse or neglect occurred in the foster home or to a foster child placed in the foster home, then a foster parent shall make a report immediately to both of the following entities:

(a) The child protective services unit of the local county office of the family independence agency.

(b) The agency.

(3) The foster parent shall provide a written report as required by the agency.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9502 Reporting foster home changes.

Rule 502. A foster parent shall report to the agency any significant change in the foster home by the next working day from the time a foster parent knows of a change, including any of the following changes:

(a) A change of employment status of a foster parent.

(b) Serious illness, injury, or death of a foster parent or a member of the household.

(c) Changes in household composition.

(d) Arrests and criminal convictions of a foster parent or member of the household.

(e) Court-supervised parole or probation of a foster parent or member of the household.

(f) Admission to, or release from, a correctional facility, a facility, a hospital, or an institution for the treatment of an emotional, mental, or substance abuse problem of a foster parent or member of the household.

(g) Counseling, treatment, or therapy on an outpatient basis for an emotional, mental, or substance abuse problem of a foster parent or member of the household.

Annual Administrative Code Supplement
1998 - 2000 Edition

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9503 License application filing; agency notification.

Rule 503. A foster parent shall notify the agency within 5 calendar days after filing an application for an adult foster care family home license, a family daycare home certificate of registration, or a group daycare home license.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9504 Change of residence; agency notification.

Rule 504. A foster parent shall inform the agency of any planned change of residence and submit an application for licensure at the new address not less than 4 weeks before a move.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9505 Confidentiality.

Rule 505. (1) A foster parent shall keep information obtained, and records maintained, by the foster parent regarding a foster child and a foster child's parents and relatives confidential and shall release information only to a person authorized by the agency placing the child in the foster home.

(2) The requirements in subrule (1) of this rule shall not prohibit a foster parent from communicating with any person or organization that has a statutory privilege or any person representing the foster parent in a licensing or legal matter.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.9506 Record management.

Rule 506. (1) A foster parent shall maintain a record for each foster child in the home.

(2) The record shall contain all of the following current information:

(a) The child's name and date of birth.

(b) Any known history of abuse or neglect of the child.

(c) All known emotional and psychological problems of the child.

(d) All known behavioral problems of the child.

(e) Circumstances necessitating placement of the child.

(f) Any other known information to enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family.

(g) Date of placement, date of termination of placement, and reasons for termination of placement.

(h) Name, address, and telephone number, including emergency telephone number, of the agency and the agency's social service worker who is currently assigned to the child.

(i) Name, address, and telephone number of the child's physician and dentist.

(j) Written consent authorizing the foster parent to obtain routine, nonsurgical medical care and to authorize emergency medical and surgical treatment.

(k) A report of the child's medical history.

(l) Dates of, and reasons for, medical treatment of the foster child.

(m) Child's behavior management and discipline plan.

(3) A foster parent shall store and maintain each record in a manner to prevent unauthorized access.

(4) Upon closure of the foster home license, all records provided by the child placing agency shall be returned to the agency.

History: 2000 MR 15, Eff. Jan. 1, 2001.

DIVISION OF CHILD WELFARE LICENSING
JUVENILE FACILITIES

R 400.10101

Source: 1992 AACs.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.10103
Source: 1992 AACCS.

R 400.10105
Source: 1992 AACCS.

R 400.10106
Source: 1992 AACCS.

R 400.10107
Source: 1992 AACCS.

R 400.10109
Source: 1992 AACCS.

R 400.10111
Source: 1992 AACCS.

R 400.10113
Source: 1992 AACCS.

R 400.10115
Source: 1992 AACCS.

R 400.10117
Source: 1992 AACCS.

R 400.10119
Source: 1992 AACCS.

R 400.10121
Source: 1992 AACCS.

R 400.10123
Source: 1992 AACCS.

R 400.10125
Source: 1992 AACCS.

R 400.10127
Source: 1992 AACCS.

R 400.10129
Source: 1992 AACCS.

R 400.10131
Source: 1992 AACCS.

R 400.10133
Source: 1992 AACCS.

R 400.10135
Source: 1992 AACCS.

R 400.10137
Source: 1992 AACCS.

R 400.10139
Source: 1992 AACCS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.10141
Source: 1992 AACs.

R 400.10143
Source: 1992 AACs.

R 400.10145
Source: 1992 AACs.

R 400.10147
Source: 1992 AACs.

R 400.10149
Source: 1992 AACs.

R 400.10151
Source: 1992 AACs.

R 400.10153
Source: 1992 AACs.

R 400.10155
Source: 1992 AACs.

R 400.10157
Source: 1992 AACs.

R 400.10159
Source: 1992 AACs.

R 400.10161
Source: 1992 AACs.

R 400.10163
Source: 1992 AACs.

R 400.10165
Source: 1992 AACs.

R 400.10167
Source: 1992 AACs.

R 400.10169
Source: 1992 AACs.

R 400.10171
Source: 1992 AACs.

R 400.10173
Source: 1992 AACs.

R 400.10175
Source: 1992 AACs.

R 400.10176
Source: 1992 AACs.

R 400.10177
Source: 1992 AACs.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.10179
Source: 1992 AACS.

R 400.10181
Source: 1992 AACS.

R 400.10183
Source: 1992 AACS.

R 400.10185
Source: 1992 AACS.

R 400.10187
Source: 1992 AACS.

R 400.10189
Source: 1992 AACS.

R 400.10199
Source: 1992 AACS.

PART 2. DETENTION AND SHELTER CARE FACILITIES

R 400.10201
Source: 1992 AACS.

R 400.10205
Source: 1992 AACS.

R 400.10207
Source: 1992 AACS.

R 400.10208
Source: 1992 AACS.

R 400.10209
Source: 1992 AACS.

R 400.10211
Source: 1992 AACS.

PART 3. RESIDENTIAL TREATMENT FACILITIES

R 400.10301
Source: 1992 AACS.

R 400.10303
Source: 1992 AACS.

R 400.10305
Source: 1992 AACS.

R 400.10307
Source: 1992 AACS.

R 400.10309
Source: 1992 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.10311
Source: 1992 AACS.

R 400.10313
Source: 1992 AACS.

R 400.10315
Source: 1992 AACS.

R 400.10317
Source: 1992 AACS.

R 400.10319
Source: 1992 AACS.

PART 4. ENVIRONMENTAL HEALTH AND SAFETY

R 400.10401
Source: 1992 AACS.

R 400.10403
Source: 1992 AACS.

R 400.10405
Source: 1992 AACS.

R 400.10407
Source: 1992 AACS.

R 400.10409
Source: 1992 AACS.

R 400.10411
Source: 1992 AACS.

R 400.10413
Source: 1992 AACS.

R 400.10415
Source: 1992 AACS.

R 400.10417
Source: 1992 AACS.

R 400.10419
Source: 1992 AACS.

R 400.10421
Source: 1997 AACS.

PART 5. FIRE SAFETY FOR SMALL, LARGE, AND SECURE FACILITIES

R 400.10501
Source: 1992 AACS.

R 400.10503
Source: 1992 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.10505
Source: 1992 AACCS.

R 400.10507
Source: 1992 AACCS.

R 400.10509
Source: 1992 AACCS.

R 400.10511
Source: 1992 AACCS.

R 400.10513
Source: 1992 AACCS.

R 400.10515
Source: 1992 AACCS.

R 400.10517
Source: 1992 AACCS.

R 400.10519
Source: 1992 AACCS.

R 400.10521
Source: 1992 AACCS.

R 400.10523
Source: 1992 AACCS.

R 400.10525
Source: 1992 AACCS.

R 400.10527
Source: 1992 AACCS.

R 400.10529
Source: 1992 AACCS.

R 400.10531
Source: 1992 AACCS.

R 400.10533
Source: 1992 AACCS.

R 400.10535
Source: 1992 AACCS.

R 400.10537
Source: 1992 AACCS.

R 400.10539
Source: 1992 AACCS.

R 400.10541
Source: 1992 AACCS.

R 400.10543
Source: 1992 AACCS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.10545
Source: 1992 AACS.

R 400.10547
Source: 1992 AACS.

R 400.10549
Source: 1992 AACS.

R 400.10551
Source: 1992 AACS.

R 400.10553
Source: 1992 AACS.

R 400.10555
Source: 1992 AACS.

R 400.10557
Source: 1992 AACS.

R 400.10559
Source: 1992 AACS.

R 400.10561
Source: 1992 AACS.

R 400.10563
Source: 1992 AACS.

R 400.10565
Source: 1992 AACS.

PART 6. FIRE SAFETY FOR RESIDENTIAL GROUP HOME FACILITIES

R 400.10601
Source: 1992 AACS.

R 400.10603
Source: 1992 AACS.

R 400.10604
Source: 1992 AACS.

R 400.10605
Source: 1992 AACS.

R 400.10607
Source: 1992 AACS.

R 400.10609
Source: 1992 AACS.

R 400.10611
Source: 1992 AACS.

R 400.10613
Source: 1992 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.10614
Source: 1992 AACS.

R 400.10615
Source: 1992 AACS.

R 400.10617
Source: 1992 AACS.

R 400.10619
Source: 1992 AACS.

R 400.10621
Source: 1992 AACS.

R 400.10623
Source: 1992 AACS.

R 400.10625
Source: 1992 AACS.

R 400.10629
Source: 1992 AACS.

R 400.10631
Source: 1992 AACS.

R 400.10633
Source: 1992 AACS.

R 400.10635
Source: 1992 AACS.

R 400.10637
Source: 1992 AACS.

R 400.10639
Source: 1992 AACS.

CHILDREN'S AND ADULT FOSTER CARE CAMPS

PART 1. GENERAL PROVISIONS

R 400.11101 Definitions.

Rule 101. (1) As used in this part:

- (a) "Act" means Act No. 116 of the Public Acts of 1973, as amended, being §722.112 et seq. of the Michigan Compiled Laws.
- (b) "Act 218" means Act No. 218 of the Public Acts of 1979, as amended, being §400.701 et seq. of the Michigan Compiled Laws.
- (c) "Adult" means a person who is 18 years of age or older.
- (d) "Authorized person" means a parent, guardian, or adult camper's designee.
- (e) "Camp" means a camp as defined in section 1 of the act, section 3 of act 218, and R 400.11106.
- (f) "Camper" means a minor child who receives services, including care, guidance, protection, and supervision, and an adult who is aged, emotionally disturbed, developmentally disabled, or physically handicapped and who requires supervision on an ongoing basis.
- (g) "Camper with disabilities" means a camper who requires assistance in managing daily living, movement,

Annual Administrative Code Supplement
1998 - 2000 Edition

or behavior to assure his or her safety and well-being.

(h) "Campsite" means an outdoor setting which has natural or man-made features available for outdoor living and activities and which is located where a camp is operated.

(i) "Department" means the department of consumer and industry services.

(j) "Excessive restraint" means restricting movement beyond that which is necessary to assist a camper to regain control or which is necessary to protect the camper from injuring himself or herself or others. Restraint, when used, shall be the least amount of force necessary over the shortest period of time necessary.

(k) "Facilities" means the structures, furnishings, and installations provided on a campsite for living and program purposes.

(l) "Staff member" means either a paid employee or a volunteer who has responsibility for the direct personal care, guidance, or supervision of campers.

(m) "Watercraft" means any of the following:

(i) An inner tube.

(ii) A canoe.

(iii) A rowboat.

(iv) A kayak.

(v) A raft.

(vi) A paddleboat.

(vii) A sailboat.

(viii) A sailboard.

(ix) A personal watercraft.

(x) A power boat.

(xi) A pontoon boat.

(xii) Any other craft used for activity by campers on water.

(2) Terms defined in the act and act 218 have the same meanings when used in these rules.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11102 Deemed status; rule expiration.

Rule 102. (1) The department may accept, for the purpose of determining compliance with this part, except for R 400.11109(4), (7), and (8), R 400.11121, R 400.11133(3), R 400.11135, R 400.11147, and R 400.11149, evidence that the camp is currently accredited by a nationally recognized accrediting body.

(2) If accreditation is accepted, a camp shall submit to the department a copy of the most recent accreditation report.

(3) The acceptance of accreditation in subrule (1) of this rule does not prohibit the department from conducting on-site investigations or requiring environmental health and fire safety inspections at intervals determined by the department.

(4) This rule expires on September 1, 2005.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11103 Adoption of standards by reference.

Rule 103. The department adopts by reference in these rules the standards set forth in this rule. The standards are available from the American Red Cross, 333 West Street, Washington, DC 20006, at the costs specified. The standards are also available for inspection, and distribution to the public at cost, from the Bureau of Regulatory Services, Department of Consumer and Industry Services, P.O. Box 30650, Lansing, Michigan 48909. The costs indicated are those in effect at the time these rules were promulgated. The standards adopted are as follows:

(a) Manual no. 656101 entitled "Responding to Emergencies - Instructors Manual," 1996, -\$20.00.

(b) Manual no. 652049 entitled "Red Cross CPR for the Professional Rescuers - Instructor's Manual," 1993, - \$7.50.

(c) Manual no. 652031 entitled "First Aid and CPR Instructor's Manual," 1993, - \$4.50.

(d) Manual no. 654112 entitled "Lifeguarding - Instructor's Manual," 1994, - \$16.00.

(e) Manual no. 654171 entitled "Basic Water Rescue and Small Craft Safety - Instructor's Manual," 1997 -

Annual Administrative Code Supplement
1998 - 2000 Edition

\$5.50.

(f) Manual no. 652223 entitled "American Red Cross Water Safety - Instructor's Manual," 1996, - \$12.40:

(i) Prevention, pages 193 and 194.

(ii) Emergency plan, page 197.

(iii) Safety tips, page 194.

(iv) Personal flotation devices, page 194.

(v) Emergency response, pages 203 through 205.

(vi) Water assists, pages 206 and 207.

(vii) Boating safety, pages 200 through 204.

(viii) Understanding drowning, page 193.

(g) Manual no. 652054 entitled "Preventing Disease Transmission," 1993 - \$1.00.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11105

Source: 1989 AACs.

R 400.11106 Applicability.

Rule 106. This part applies to all adult foster care camps and to children's camps as follows:

(a) A day camp that operates for 5 or more hours per day for 10 or more days in any 30-day period.

(b) A resident, travel, or troop camp that operates for 5 or more overnights in any 14-day period.

A camp begins operating when the camp assumes responsibility for the campers. The same group of campers does not have to attend the whole time of camp operation.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11109 Staff.

Rule 109. (1) A camp shall have a camp director who is on duty or in residence at the campsite and who is responsible for the day-to-day administration of the camp and for assuring the care, safety, and protection of campers. A camp director shall be not less than 21 years of age and shall have a minimum of 8 weeks of full-time experience working with a population similar to that which the camp serves and a minimum of 4 weeks of full-time administrative experience in an organized camp or related program. A camp director shall be familiar with these administrative rules.

(2) If the camp director is away from the operation for more than 12 hours, then the person who is left in charge shall meet all of the requirements specified in subrule (1) of this rule.

(3) A camp shall maintain a roster of all current staff members.

(4) Before assignment, a camp shall evaluate all of the following characteristics for each staff member in relation to the duties to be assigned:

(a) Character.

(b) Emotional stability.

(c) Health.

(d) Ability.

(e) Experience.

(f) Education.

(5) A camp shall maintain a personnel record, collected before initial assignment, for each staff member. The record shall include all of the following information:

(a) Name.

(b) Documentation of compliance where the position occupied has experience or education requirements specified by an administrative rule.

(c) Prior work history, including camp experience.

(d) Three statements of positive reference which are obtained before staff assignment and which are from persons unrelated to the staff member.

(e) A statement of any criminal convictions other than minor traffic violations.

(6) A camp shall have a written job description for each staff classification covered by these rules. The job

Annual Administrative Code Supplement
1998 – 2000 Edition

description shall set forth all of the following information:

- (a) Duties.
- (b) Qualifications.
- (c) Education and training requirements.
- (d) Lines of authority.

A camp shall provide each staff member with a copy of the job description for the position the staff member fills.

(7) A camp shall establish and provide a pre-camp training program for staff members. A camp shall ensure that the overall training time shall be not less than 3 hours for each week of the first 10 weeks of the camp's operation.

(8) A camp shall ensure that the program content for the pre-camp training is in writing and includes all of the following information:

- (a) The camp's philosophy, objectives, policies, and operating procedures.
- (b) Procedures and requirements of these rules related to each staff member's duties.
- (c) Camper behavior management.
- (d) Developmental needs of the population that is served.
- (e) Acceptable techniques of camper supervision.

(9) A camp shall establish and provide an in-service training program for staff members. A camp shall maintain a written record of the training content, dates, and times.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11111 Number of staff.

Rule 111. (1) A camp shall develop and follow a written staffing ratio plan for the camper population served. A camp shall ensure that the ratio is not less than as specified in subrule (2) of this rule.

(2) A camp shall ensure that the ratio of adult staff members to campers at any one time is as follows:

- (a) For campers below the age of 13, during their awake hours there shall be 1 adult staff member for every 10 campers or a fraction thereof beyond the first 10.
- (b) For campers below the age of 13, during their sleeping hours there shall be 1 adult staff member for every 14 campers or a fraction thereof beyond the first 14.
- (c) For campers 13 years of age or older, there shall be 1 adult staff member for every 14 campers or a fraction thereof beyond the first 14.
- (d) For campers with disabilities, during their awake hours there shall be 1 adult staff member for every 3 campers or a fraction thereof beyond the first 3.
- (e) For campers with disabilities, during their sleeping hours there shall be 1 adult staff member for every 6 campers or a fraction thereof beyond the first 6.
- (f) The minimum number of staff on duty and in camp is 2 adult staff members.

(3) In a camp that has more than 50 campers, the camp director shall not be included in determining the staff member-camper ratio and shall not serve full-time as the health officer or as an aquatics supervisor.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11113 Behavior management.

Rule 113. (1) A camp shall have and follow a written camper behavior management policy.

(2) A camp shall include in the policy methods for the positive behavior management of campers.

(3) A camp shall include in the policy a statement that a camper shall not be deprived of food or sleep; shall not be placed alone without staff supervision, observation, and interaction; or shall not be subjected to ridicule, threat, corporal punishment, excessive physical exercise, or excessive restraint.

(4) A camp shall furnish a copy of the policy to all staff members.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11115 Child and adult protection plan.

Rule 115. (1) A camp shall develop and follow a written plan to assure compliance with Act No. 238 of the

Annual Administrative Code Supplement
1998 – 2000 Edition

Public Acts of 1975, as amended, being §722.621 et seq. of the Michigan Compiled Laws, and known as the child protection law, and sections 11 to 11f and 14 of Act No. 280 of the Public Acts of 1939, being §400.11 to 400.11f and 400.14 of the Michigan Compiled Laws, and known as the adult protection law.

(2) The plan shall cover all of the following areas:

- (a) Reporting responsibilities.
- (b) Confidentiality.
- (c) Isolation of an alleged perpetrator.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11117 Roster of campers; records.

Rule 117. (1) A camp shall maintain a current roster of all campers.

(2) A camp shall keep records for each camper at the camp when in session. The records shall include all of the following information:

- (a) The camper's name, age, and home address.
 - (b) The authorized person's name, address, and telephone number and where the authorized person may be reached in case of emergency.
 - (c) The dates of arrival and departure.
 - (d) For each camper, identification of any special needs, limitations, and adaptations to assist in camper participation in all aspects of camp life and activities.
- (3) A camp shall develop and follow a written plan to assure that a camper is not released into the custody of another person without a written statement of permission from the authorized person. The plan shall include all of the following information:
- (a) When the camper is to be released.
 - (b) Where the camper release is to occur.
 - (c) How the release will occur.
 - (d) To whom the camper is to be released.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11119 Health service policy.

Rule 119. (1) A camp shall have and follow a written health service policy that is appropriate to the population served and the environment of the campsite.

(2) A camp shall establish the health service policy in consultation with, and reviewed annually by, a licensed physician.

(3) A camp's health service policy shall cover all of the following subjects:

- (a) Procedures for camper health screening.
- (b) Arrangements for on-call health care consultation services.
- (c) Arrangements for emergency health care services and emergency transportation to an emergency health care facility.
- (d) Standing health care orders which are defined as written instructions from the camp's consulting physician for the handling of injuries and illnesses of campers.
- (e) First aid and health care supplies.
- (f) The storage and administration of prescription and nonprescription drugs and medications.
- (g) Medical procedures for camper trips away from a campsite.
- (h) Procedures for daily observation of each camper's physical state.
- (i) Procedures for prompt and responsive notification of the camper's authorized person.
- (j) Health officer staffing.
- (k) Procedures for preventing disease transmission equivalent to the procedures set forth in the American red cross manual number 652054, which is adopted by reference in R 400.11103.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11121 Health care staff.

Annual Administrative Code Supplement
1998 – 2000 Edition

- Rule 121. (1) A camp shall employ a health officer who is on duty or in residence at the camp.
- (2) A health officer shall be 1 of the following:
- (a) A licensed physician.
 - (b) A registered nurse.
 - (c) A licensed practical nurse.
 - (d) A licensed emergency medical technician.
 - (e) A licensed medical first responder.
 - (f) An adult who has satisfactorily completed training and certification that is equivalent to the requirements set forth in the American red cross manual number 656101, which is adopted by reference in R 400.11103.
- (3) If 20% or more of the camper population are campers with disabilities, then a health officer shall be 1 of the following:
- (a) A licensed physician.
 - (b) A registered nurse.
 - (c) A licensed practical nurse.
 - (d) A licensed emergency medical technician.
 - (e) A licensed medical first responder.
 - (4) A person who is licensed in another state as a physician, nurse, or emergency medical technician is deemed to meet the requirements of subrules (2) and (3) of this rule.
 - (5) A person who serves as a camp health officer shall hold certification that is equivalent to the requirements set forth in the American red cross manual number 652049, which is adopted by reference in R 400.11103.
- History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11123 Health facilities.

- Rule 123. (1) An adult foster care camp, and a children's day and resident camp shall have a designated area to serve as a health center.
- (2) A camp shall provide for the temporary isolation of any camper, staff member, or other person in camp who comes in contact with campers and who is suspected of having a contagious disease. The place of isolation shall ensure privacy and quiet and shall not be located in, or directly adjacent to, a food storage, preparation, or serving area.
- (3) A camp shall hold all prescription and nonprescription drugs and medications in locked storage unless medically contraindicated.
- History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11125 Staff health requirement.

- Rule 125. A camp shall maintain a health history statement for each staff member. The statement shall include any physical limitations, current infectious diseases, and any current prescription drugs or medications. A camp shall maintain and safeguard any health information received in accordance with Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.
- History: 1984 MR 5, Eff. June 16, 1984; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11127 Camper health requirements.

- Rule 127. (1) A camp shall maintain, in the camp, for each camper, a statement signed by an authorized person which authorizes the camp to consent to emergency medical or surgical treatment of the camper and to routine, nonsurgical medical care. If there is a religious objection to consenting to receipt of emergency medical or surgical treatment, the authorized person shall submit a written statement to the effect that the camper is in good health and that the person signing assumes the health responsibility for the camper.
- (2) A camp shall maintain, in the camp, a health history statement signed by an authorized person for each camper. The statement shall include all of the following information:
- (a) Current prescription and nonprescription drugs and medications.

Annual Administrative Code Supplement
1998 – 2000 Edition

- (b) Immunization status.
- (c) Physical limitations.
- (d) Allergies.
- (e) Any special health and behavioral considerations.

A camp shall maintain and safeguard any health information received in accordance with Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.

(3) A camp shall follow any instructions provided by a camper's physician or authorized person to meet the health and behavior needs of a camper admitted to the camp.

(4) During group overnight activities outside the geographical area served by the camp's cooperating local emergency health care facility, a camp shall ensure that the emergency treatment consent form, the health history statement, and the authorized person emergency contact information for each camper shall accompany the group.

(5) A camp shall ensure that a camper is screened within the first 24 hours after the camper's initial arrival at a camp. The health screening shall include all of the following:

- (a) The checking in of prescription and nonprescription drugs and medications.
 - (b) A review of the health history statement.
 - (c) A discussion with the camper concerning current health needs.
 - (d) An observation of the camper's physical state paying particular attention to potential contagious diseases and possible abuse.
- (6) A camp shall maintain a permanent medical record that lists all of the following information:
- (a) Date of treatment.
 - (b) Name of camper.
 - (c) Ailment.
 - (d) Treatment prescribed or medication dispensed.
 - (e) Identification of the person providing the treatment.

(7) A camp shall submit a written report, on forms furnished by the department, to the department if a camper dies or if a camper has an accident or illness that results in an overnight stay in a hospital or clinic or being sent home. A camp shall submit the report within 48 hours of the death, injury, or illness.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11131 Nutrition and food service.

Rule 131. (1) A camp shall establish and follow a written policy for its nutrition and food service program. The policy shall relate to the population served, the activities conducted, and environmental conditions and shall cover all of the following subjects:

- (a) Meal patterns.
 - (b) Meal hours.
 - (c) Type of food service.
 - (d) Handling of special diets.
- (2) A camp shall provide not less than 3 meals to each camper each day in an adult foster care camp and children's resident and travel camp, unless medically contraindicated and documented.
- (3) A camp shall ensure that meals are sufficient in quantity and meet or exceed the nutritional allowances recommended in the publication entitled "Basic Nutrition Facts," pages 6-8 and 6-9, Michigan Department of Community Health publication no. H-808, 1990. A reprint of the pages may be obtained without charge from the Bureau of Regulatory Services, Michigan Department of Consumer and Industry Services, P.O. Box 30650, Lansing, Michigan 48909.
- (4) A camp shall assure that a camper with special dietary needs is provided a diet and accommodations in accordance with the camper's needs and with the instructions of the camper's authorized person or a physician.
- (5) A camp shall maintain each week's menu on file until the end of the camp season.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.11135 Aquatic staff.

Rule 135. (1) A camp shall have an aquatic supervisor on duty at each aquatic activity. The aquatic supervisor shall be responsible for the enforcement of safety rules and procedures governing the aquatic activity.

(2) Aquatic staff shall not engage in an activity that will distract them from their duties.

(3) The following table shall be used to determine the number of aquatic staff needed for an aquatic activity:

No. Of Campers:	Up to 20	Up to 30	Up to 40	Up to 50	Over 50
Aquatic Supervisor Level 1	1	1	1	1	1 per 50
Aquatic Supervisor Level 2, Open Water Swim	0	0	0	0	1
Aquatic Observer	1	2	3	4	1 per 10

(4) A level 1 aquatic supervisor shall be one of the following:

(a) An adult who has satisfactorily completed training and certification that is equivalent to the lifeguard and CPR requirements set forth in the American red cross manuals, numbers 654112 and 652049 respectively, which are adopted by reference in R 400.11103.

(b) An adult aquatic observer if assisted by a person who is not less than 16 years of age and who meets the training requirements of subdivision (a) of this subrule.

(c) For a watercraft activity, an adult who has satisfactorily completed training and certification that is equivalent to the requirements set forth in the American red cross manual number 654171, which is adopted by reference in R 400.11103.

(5) A level 2 aquatic supervisor shall be an adult who has satisfactorily completed training and certification that is equivalent to the lifeguard plus waterfront and headguard modules and CPR requirements set forth in the American red cross manuals numbers 654112 and 652049 respectively, which are adopted by reference in R 400.11103.

(6) An aquatic observer shall be not less than 16 years of age and shall have completed training that is equivalent to the requirements set forth in the American red cross manual number 652223, which is adopted by reference in R 400.11103.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994.

R 400.11137 Swimming area; lifesaving equipment.

Rule 137. (1) A camp shall clearly delineate areas for advanced swimmers, intermediate swimmers, and nonswimmers in any swimming area used by campers. A camp may have less than 3 swimming areas.

(2) A camp shall provide lifesaving equipment at each permanent swimming area and shall place the equipment so that it is immediately available in case of an emergency. At a minimum, the equipment shall include all of the following:

(a) A whistle or other audible signal device for each staff person on duty.

(b) An assist pole or other appropriate reaching assist device.

(c) A ring buoy or other appropriate throwing assist device that has a rope attached which is of sufficient length for the area.

(d) A backboard that has a head restraint and a minimum of 3 straps.

Annual Administrative Code Supplement
1998 – 2000 Edition

(e) A first-aid kit.

(f) A rescue tube.

(3) A camp shall provide lifesaving equipment for aquatic activities other than swimming and shall place the equipment so that it is immediately available in case of an emergency. At a minimum, the equipment shall include all of the following:

(a) A whistle or other audible signal device.

(b) A throwing assist device.

(c) A first-aid kit.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11139 Aquatic procedures.

Rule 139. (1) A camp shall classify each camper according to aquatic ability before the camper engages in an aquatic activity. All campers and staff are considered nonswimmers unless tested.

(2) A camp shall not permit a camper to participate in an aquatic activity that requires higher skills than the camper's swimming classification, except during formal instruction.

(3) A camp shall establish and enforce a method, such as the buddy system, for supervising campers involved in an aquatic activity. The system used shall include all of the following:

(a) Procedures for camper check-in.

(b) Procedures for camper check-out.

(c) The periodic accounting for the whereabouts of each camper by a member of the aquatic staff. Aquatic staff shall conduct checks at least once every 10 minutes.

(4) A camp shall establish and follow a written aquatic emergency plan for each aquatic activity. The plan shall cover all of the following areas:

(a) Rescue procedures and frequency of drills.

(b) Camper accountability.

(c) Prompt evacuation.

(d) Notification of outside emergency services.

(5) A camp shall use the buddy system for supervising camper swimming at sites other than a permanent camp waterfront. One aquatic observer shall assist an aquatic supervisor for every 10 campers or fraction thereof in the water. Aquatic staff shall conduct buddy checks at least once every 5 minutes.

(6) A camp shall not conduct swimming programs during the hours of darkness. This subrule does not prohibit the use of swimming pools that have underwater and deck lighting which provides unrestricted vision.

(7) A camp shall allow headfirst diving in designated areas only.

(8) A camp shall not allow headfirst diving in water that is less than 5 feet deep. Aquatic staff shall use the following table to determine minimum diving area depths and distances from the end of the board or platform:

Diving Condition	Water depth	Distance
Competitive swimming and swimming classes	5 feet	10 feet
Platform less than 2 feet above the water	8 feet	10 feet
Board 2 feet or less above the water	10 feet	15 feet
Board more than 2 feet	15 feet	20 feet

Annual Administrative Code Supplement
1998 – 2000 Edition

above the water		
-----------------	--	--

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11141 Watercraft and waterskiing activities.

Rule 141. (1) A camp shall conduct watercraft activities only during daylight hours.

(2) A camp shall ensure that an occupant of a watercraft which is less than 26 feet long wears an appropriately sized, coast-guard approved, personal flotation device.

(3) A camp shall ensure that an appropriately sized personal flotation device is worn by any water-skier. The flotation device shall be approved by the coast-guard for water skiing.

(4) A camp shall not permit a nonswimmer to be in a sailboat unless the nonswimmer is accompanied by an adult swimmer.

(5) A camp shall ensure that the aquatic supervisor or an adult aquatic observer has immediate access to a watercraft with which to provide emergency assistance.

(6) A camp shall not locate a watercraft docking area in a swimming area.

(7) A camp shall ensure that a swimming area is not used for the launching or dropping of water-skiers.

(8) A camp shall observe the rated capacity of a watercraft.

(9) A camp shall not use personal flotation devices that are made of kapok.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11143 Transportation policy statement; drivers and vehicles.

Rule 143. (1) A camp shall establish and follow written policies for program and emergency transportation. The policies shall include all of the following:

(a) Driver qualifications.

(b) Vehicle inspection and maintenance.

(c) Camper supervision.

(d) Emergency evacuation.

(e) Camper loading and unloading procedures.

(2) A camp shall ensure that the driver of a vehicle that transports campers is an adult who possesses a valid operator or chauffeur license appropriate to the vehicle driven and the circumstances of its use.

(3) A camp shall ensure that a vehicle used for transporting campers is appropriately licensed and inspected if required by state law.

(4) In a vehicle that is required by law to be equipped with passenger safety belts, a camp shall ensure that the driver and all passengers are properly restrained by passenger safety belts while the vehicle is in motion.

(5) A camp shall ensure that a camper is transported only in the part of a vehicle that is designed by the manufacturer for passenger transportation. This subrule does not prohibit the use of a haywagon for hayrides if the camp ensures all of the following:

(a) The haywagon is properly marked and lighted and has perimeter sideboards to reduce the risk of a camper falling off.

(b) An adult staff member rides on the haywagon and supervises the campers.

(c) Campers keep their hands and feet inside the perimeter of the haywagon while on the hayride.

(6) An adult foster care camp, children's resident camp, and a children's day camp shall have a vehicle available at all times for use in emergency situations.

(7) If a watercraft is used to transport campers to or from a campsite, then a camp shall use only a watercraft that has a rated capacity.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11145 Traveling groups.

Rule 145. (1) A camp shall ensure that not less than 2 staff members accompany any traveling group. A camp shall ensure that 1 of the staff members is an adult. A camp shall ensure that 1 of the staff members holds training and certification that is equivalent to the requirements set forth in the American red cross

Annual Administrative Code Supplement
1998 – 2000 Edition

manual number 652031, which is adopted by reference in R 400.11103.

(2) If a group of campers travels away from an adult foster care camp or children's resident camp for more than 2 consecutive overnights, then the camp shall keep a travel plan on file at the camp. The travel plan shall include an itinerary and preestablished check-in times.

(3) For a travel camp, a camp shall leave a travel plan, which includes an itinerary and pre-established check-in times, with a designated home base person. A camp shall provide a copy of the itinerary and the name and telephone number of the home base person to each camper's authorized person and to the department not less than 2 weeks before the group's departure. A camp shall initiate a pre-established emergency assistance plan if a travel camp fails to meet a check-in time.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11147 Reporting camp changes or cancellations to department.

Rule 147. A camp shall report a change in, or cancellation of, as applicable, any of the following to the department before the change or cancellation:

- (a) Ownership.
- (b) Location.
- (c) Dates of operation.
- (d) Time of operation.
- (e) Cancellation of a camping session.
- (f) On-site camp director.

History: 1984 MR 5, Eff. June 16, 1984; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11149 Site safety; emergency procedure; use of facilities; equipment; fire safety orientation.

Rule 149. (1) A camp shall ensure that the site and facilities of a camp do not present a fire, health, or safety hazard.

(2) A camp shall establish written procedures for a response to potential emergencies and disasters, including fire, severe weather, and a lost camper.

(3) An adult foster care camp, children's resident camp, or children's day camp shall only use a campsite and facilities that are in compliance with these rules.

(4) A camp shall ensure that equipment used in the camp is in good repair and is safe for campers.

(5) A camp shall conduct a fire safety orientation for each new group of campers within 48 hours of arrival. The orientation shall include the sounding of the fire alarm and identification of means of egress including exit locations in any camper occupied building where the exits are not readily visible. A camp shall maintain for the season a written record of orientations.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11199

Source: 1984 AACS.

PART 2. FIRE SAFETY

R 400.11201

Source: 1989 AACS.

R 400.11203

Source: 1994 AACS.

R 400.11205

Source: 1994 AACS.

R 400.11207

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1994 AACS.

R 400.11209

Source: 1984 AACS.

R 400.11211

Source: 1994 AACS.

R 400.11213

Source: 1984 AACS.

R 400.11215

Source: 1994 AACS.

R 400.11216

Source: 1994 AACS.

R 400.11217

Source: 1994 AACS.

R 400.11219

Source: 1994 AACS.

R 400.11221

Source: 1994 AACS.

R 400.11223

Source: 1984 AACS.

R 400.11225

Source: 1997 AACS.

R 400.11227

Source: 1984 AACS.

PART 3. ENVIRONMENTAL HEALTH AND SAFETY

R 400.11301

Source: 1984 AACS.

R 400.11303 Light, ventilation, and screening.

Rule 303. (1) A camp shall ensure that every sleeping room that is occupied by campers is constructed as follows:

(a) Has natural light that is from a source which is equal to an area that is not less than 8% of the floor area of the room.

(b) Has total operable window area that is not less than 45% of the required window area, unless mechanical ventilation is provided. A camp shall not count a skylight, louver, transom, glass-blocked panel, or similar light-transmitting device for more than 50% of the required area in place of conventional windows, screened areas, and glazed doors.

(2) A camp shall supply screens for each door, window, and other opening to the outside that is used for ventilation of a building occupied by campers for the control of flying insects. A screen door shall swing outward and have a self-closing device that is in working condition.

(3) A camp shall ensure that all openings into tents are screened for insect control or, as an alternative, that personal protective netting is made available to campers.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 1994 MR 8, Eff. Sept. 1, 1994; 2000 MR 15, Eff. Jan. 1, 2001.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.11305

Source: 1994 AACS.

R 400.11307

Source: 1984 AACS.

R 400.11309

Source: 1984 AACS.

R 400.11311

Source: 1984 AACS.

R 400.11313

Source: 1984 AACS.

R 400.11315

Source: 1984 AACS.

R 400.11317 Swimming beaches and pools.

Rule 317. (1) A camp shall ensure that the water and beach area of a natural swimming area is free from contamination by commercial, industrial, domestic, and agricultural pollution, garbage, refuse, and hazardous foreign or floating materials.

(2) A camp shall ensure that an artificial swimming pool is constructed and maintained in accordance with sections 12521 to 12534 of Act No. 368 of the Public Acts of 1978, as amended, being §§333.12521 to 333.12534 of the Michigan Compiled Laws, and the rules promulgated under sections 12521 to 12534 of Act No. 368 of the Public Acts of 1978.

History: 1984 MR 5, Eff. June 16, 1984; 1989 MR 5, Eff. June 1, 1989; 2000 MR 15, Eff. Jan. 1, 2001.

R 400.11319

Source: 1989 AACS.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIVISION OF CHILD WELFARE LICENSING

CHILD PLACING AGENCIES

PART 1. GENERAL PROVISIONS

R 400.12101 Definitions.

Rule 101. As used in these rules:

- (a) "Act" means Act No. 116 of the Public Acts of 1973, as amended, being §722.111 et seq. of the Michigan Compiled Laws, and known as the child care organization licensing act.
- (b) "Agency" means a child-placing agency as defined in section 1 of the act.
- (c) "Contribution" means the payment of money or donation of goods or services.
- (d) "Department" means the Michigan department of consumer and industry services.
- (e) "Emergency placement" means a placement that is made in response to a sudden unexpected occurrence which demands immediate action or means a placement that is made before a placement assessment has been completed.
- (f) "Foster child" means a person who meets all of the following criteria:
 - (i) Resides in a foster home.
 - (ii) Is less than 18 years of age or becomes 18 years of age while residing in the foster home and continues to reside in the foster home to receive care, maintenance, training, and supervision.
 - (iii) Is not related to an adult member of the household by blood, adoption, or marriage.

Annual Administrative Code Supplement
1998 – 2000 Edition

- (iv) Has been placed in the home by an agency.
- (g) "Foster home" means foster family home or foster family group home, as defined in section 1 of Act No. 116 of the Public Acts of 1973, as amended, being §722.111 of the Michigan Compiled Laws, and as addressed in Act No. 165 of the Public Acts of 1997, being §722.118b of the Michigan Compiled Laws.
- (h) "Human behavioral science" means a degree from an accredited college or university equivalent to any of the following:
 - (i) Social work.
 - (ii) Psychology.
 - (iii) Guidance and counseling.
 - (iv) Consumer or community services.
 - (v) Criminal justice.
 - (vi) Family ecology.
 - (vii) Sociology.
- (i) "Independent living" means the placement, by an agency, of a youth who is not less than 16 years old in his or her own unlicensed residence, the residence of an adult who does not have supervisory responsibility for the youth, or in a residence under the control of the agency. The authorized agency or governmental unit retains supervisory responsibility for the youth.
- (j) "Licensing authority" means the administrative unit of the department that has responsibility for making licensing and approval recommendations for a child placing agency.
- (k) "Member of the household" means any person, other than a foster child, who resides in a foster or adoptive home on an ongoing or recurrent basis.
- (l) "Parent" means a legal parent and includes a custodial parent, noncustodial parent, or adoptive parent.
- (m) "Permanent placement" means that the treatment plan specifies that the foster child will remain in the current foster home until the age of majority.
- (n) "Placement" means moving a child to a foster or adoptive home, to independent living, or from out-of-home placement to another out-of-home placement.
- (o) "Social service supervisor" means a person who supervises a social service worker. A social service supervisor may also function as a social service worker in the temporary absence of the social service worker.
- (p) "Social service worker" means a person who performs social services functions covered by these rules.
- (q) "Staff" means a person who is employed by an agency, a volunteer for the agency, or a person who is under contract to the agency to provide specific services covered by these rules.
- (r) "Substantial noncompliance" means repeated violation of the act or an administrative rule promulgated under the act, or noncompliance with the act, a rule promulgated under the act, or the terms of a license that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.
- (s) "Willful noncompliance" means that after receiving a copy of the act, the rules promulgated under the act, and a copy of the terms of the license if applicable, an applicant or licensee knows or had reason to know that his or her conduct is a violation of the act, the rules promulgated under the act, or the terms of the license.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12102 Rule variance.

Rule 102. (1) Upon the written request of an applicant or agency, the department may grant a variance from an administrative rule if the alternative proposed ensures that the health, care, safety, protection, supervision, and needed services of children are maintained.

(2) The decision of the department, including the conditions for which the variance is granted, shall be entered upon the records of the department and a signed copy shall be sent to the applicant or agency. The variance may be time-limited or may remain in effect for as long as the agency continues to ensure that the health, care, safety, protection, supervision, and needed services to children are maintained.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12103 Staff exception.

Rule 103. An agency who has a person in a position that is regulated by these rules and who was

Annual Administrative Code Supplement
1998 – 2000 Edition

approved before the effective date of these rules shall be considered qualified for the position.
History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12104 Public review.

Rule 104. An agency shall make all written policies, procedures, and program statements, required by these administrative rules, available for review by the public.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12105 Rescission.

Rule 105. R 400.6101 to R 400.6522 of the Michigan Administrative Code, appearing on pages 333 to 348 of the 1980 Annual Supplement to the 1979 Michigan Administrative Code, are rescinded.

History: 2000 MR 15, Eff. Jan. 1, 2001.

PART 2. AGENCY SERVICES

R 400.12201 Department authorization.

Rule 201. An agency shall comply with the provisions of part 2 of these rules to be authorized by the department to provide regulated services.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12202 Policy and procedures.

Rule 202. An agency shall have and follow written policies and procedures for all of the following:

- (a) Financial stability.
- (b) Facilities.
- (c) Required staff.
- (d) Staff qualifications.
- (e) Staff responsibilities.
- (f) Job descriptions.
- (g) Orientation and training.
- (h) Grievance handling.
- (i) Privacy safeguards.
- (j) Personnel records.
- (k) Record Management.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12203 Financial stability.

Rule 203. (1) An agency shall initially and annually develop and implement a plan of financing for the operation of the agency in carrying out its programs and meeting the requirements for licensing. A plan of financing shall include all of the following:

- (a) A listing of all income sources and the anticipated amount of income for the current fiscal year.
- (b) An annual budget for the current fiscal year.
- (c) A copy of the income and expenditures from the previous fiscal year.
- (d) A copy of the nonprofit tax return from the previous fiscal year.

(2) Subdivision (d) of subrule (1) does not apply to a governmentally operated agency.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12204 Facilities.

Rule 204. An agency shall provide and maintain sufficient office space, equipment, and supplies to ensure the delivery of services.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12205 Required staff.

Annual Administrative Code Supplement
1998 - 2000 Edition

Rule 205. (1) An agency shall employ or contract for all of the following staff positions:

- (a) Chief administrator.
 - (b) Social service supervisor.
 - (c) Social service worker.
- (2) An agency shall appoint a chief administrator who possesses at least a bachelor's degree from an accredited college or university and 2 years of experience in a human services organization. An agency shall report a change of chief administrator immediately to the department.
- (3) An agency shall appoint a social service supervisor who possesses the qualifications specified in either of the following provisions:
- (a) A master's degree from an accredited college or university in a human behavioral science and 1 year of experience as a social service worker in an agency.
 - (b) A bachelor's degree from an accredited college or university in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, and 4 years of experience as a social service worker, 2 years of which shall have been in an agency.
- (4) An agency shall appoint a social service worker who possesses at least a bachelor's degree from an accredited college or university with a major in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences.
- (5) A person who is employed by the agency or who has a contract with the agency and who fulfills more than 1 function specified by subrule (1) of this rule shall meet the requirements for each position.
- (6) If a social service worker also has social service supervisor responsibilities, as permitted under subrule (5) of this rule, then the worker shall not supervise his or her own tasks as a social service worker.
- (7) An agency shall employ or contract for a sufficient number of competent staff to carry out the provisions covered by these rules. The workload for each staff member shall not be more than any of the following:
- (a) Eight social service workers or social service aides per supervisor.
 - (b) Thirty children placed in adoption, child foster care, or independent living per social service worker.
 - (c) One hundred certified foster homes per social service worker.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12206 Staff qualifications.

Rule 206. (1) An agency shall require a staff member who has ongoing contact with children or parents to be a person who is of good character and emotionally stable and who has the ability, experience, education, and training to perform the duties assigned.

(2) An agency shall have a written assessment of all criminal convictions of prospective staff before hiring or assigning a person to a position covered by these rules. The assessment shall take into account the nature of the convictions, when the convictions occurred, and evidence of rehabilitation.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12207 Staff responsibilities.

Rule 207. (1) An agency shall designate that the chief administrator is responsible for the day-to-day operation of the agency and for ensuring compliance with the applicable provisions of these rules.

(2) An agency chief administrator shall be administratively responsible for all of the following functions:

- (a) Not less than once annually, conduct an assessment and verify the agency's compliance with the applicable provisions of these rules.
- (b) Develop and implement a written plan to correct, within 6 months, noncompliance identified in subdivision (a) of this subrule.
- (c) Assessment of all disrupted and unplanned removals of children from foster homes, independent living, and adoptive homes and correction of the causes of disrupted and unplanned removals.
- (d) Develop, maintain, and monitor an outcome measurement system. The measurement system shall contain components that will ensure all of the following:
 - (i) That the services provided for children, youth, and families comply with the applicable provisions of these rules.
 - (ii) That positive outcomes for children, youth, and families served are produced.
 - (iii) That risk to children, youth, and families served is minimized.

Annual Administrative Code Supplement
1998 - 2000 Edition

(3) An agency shall require that social service workers be directly responsible for all of the following activities:

(a) Placing and supervising children in foster care, adoptive homes, or independent living. Social service workers shall work directly with the children, their families, and other relevant individuals and be primarily responsible for the development, implementation, and review of service plans for the children and their families.

(b) Assessing and certifying private family homes for licensure and supervising the homes.

(c) Conducting adoptive evaluations of private family homes for adoptive placements.

(4) An agency shall require social service aides to be directly responsible to a social service worker or social service supervisor. A social service aide may provide clearly defined support functions, but shall not have responsibility for any of the following:

(a) Case planning.

(b) Selecting placements.

(c) Foster home certification.

(d) Supervisory placement of children in foster care, adoptive placements, or independent living.

(e) Conducting adoptive family evaluations.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12208 Job descriptions.

Rule 208. (1) An agency shall have a current written job description for each staff position.

(2) Each job description shall contain all of the following information:

(a) Prescribed duties and functions.

(b) Specific education, knowledge, experience, and skills necessary to provide services to children and families served by the agency.

(c) Lines of authority.

(3) An agency shall give copies of job descriptions to staff at the time of employment in a specified position and when the job description is revised.

(4) Practice shall conform to the job description.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12209 Orientation and training.

Rule 209. (1) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 16 hours of orientation after initial appointment and before assumption of assigned duties.

(2) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 14 hours of training relating to his or her current position within the first year of being assigned to the position.

(3) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 14 hours of planned training relating to his or her current position annually after the time periods specified in subrules (1) and (2) of this rule.

(4) The orientation and training specified in subrules (1) and (2) of this rule for each social service worker shall include all of the following topics:

(a) Characteristics and needs of children and families served by the agency.

(b) Requirements of applicable statutes relating to the services the agency provides that are subject to these rules.

(c) Agency expectations for the social service worker to facilitate and supervise the care of children and to work with families that are served by the agency.

(d) Agency expectations for the social service worker's role and responsibility with foster parents and other persons who provide care or services to children and families served by the agency.

(e) Agency expectations for developing, maintaining, and reviewing initial and updated service plans for children and families served by the agency.

History: 2000 MR 15, Eff. Jan. 1, 2001.

Annual Administrative Code Supplement
1998 - 2000 Edition

R 400.12210 Grievance handling.

Rule 210. (1) An agency shall have a written grievance handling procedure.

(2) The procedure shall provide for all of the following:

(a) Safeguard the legal rights of children, their families, foster families, releasing parents, and adoptive families served.

(b) Address matters that relate to compliance with the act, rules promulgated under the act, and the agency's written policies and procedures regarding services covered by these rules.

(c) Delineate the method of initiating the procedure.

(d) Specify time frames for decisions.

(3) An agency shall provide a grievant with a written copy of the grievance resolution.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12211 Privacy safeguard.

Rule 211. (1) An agency shall safeguard the privacy of a child and his or her family.

(2) An agency shall not use a child's identity for publicity purposes unless a positive value accrues to the child.

(3) An agency shall obtain the written consent of a parent or legal guardian before using a child, a picture of a child, or a child's name in any form of agency publicity.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12212 Personnel records.

Rule 212. (1) An agency shall maintain a personnel record for each staff member.

(2) The personnel record shall contain all of the following information before employment may occur:

(a) Name.

(b) Verification of education.

(c) Work history.

(d) Three references obtained from persons who are unrelated to the staff person.

(e) A record of any convictions as required by R 400.12206(2).

(3) The personnel record shall contain both of the following:

(a) A written evaluation of a staff member's performance within a probationary period or not later than 6 months after the staff member assumes his or her current responsibilities. After the initial evaluation, a written evaluation shall be conducted each year.

(b) A copy of the job description for the staff member's current position.

(4) An agency shall maintain an orientation and training record for staff members.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12213 Record Management.

Rule 213. An agency shall do all of the following with respect to maintenance of required records:

(a) Protect each record against destruction and damage.

(b) Keep each record in a uniform fashion.

(c) Store and maintain each record in a manner to ensure confidentiality and to prevent unauthorized access.

History: 2000 MR 15, Eff. Jan. 1, 2001.

PART 3. FOSTER HOME CERTIFICATION

R 400.12301 Department authorization.

Rule 301. (1) An agency shall be authorized by the department to certify foster homes for licensure.

(2) An approved governmental unit shall comply with the provisions of this part to be authorized to certify foster homes for licensure.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12302 Program statement.

Rule 302. An agency shall have and follow a current written program statement that includes all of the

Annual Administrative Code Supplement
1998 – 2000 Edition

following information:

- (a) Types of foster care provided.
- (b) Age, race, ethnic background, and specific characteristics of children served.
- (c) Types and numbers of foster homes needed.
- (d) Types of services provided to foster families.
- (e) Geographical area covered.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12303. Policy and procedures.

Rule 303. (1) An agency shall have and follow written policies and procedures for assessing and certifying foster homes for licensure.

(2) Policies and procedures shall cover all of the following areas and be on forms provided, and in a manner prescribed, by the department:

- (a) Recruitment and retention.
- (b) Certification training.
- (c) Application request.
- (d) Orientation.
- (e) Application submission.
- (f) Records check.
- (g) Initial evaluation.
- (h) Placement agreement.
- (i) Foster parent training.
- (j) Reevaluation.
- (k) License recommendation.
- (l) Borrowed home.
- (m) Special evaluation.
- (n) Foster home record.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12304. Recruitment and retention.

Rule 304. (1) An agency shall have an ongoing foster home recruitment program to ensure an adequate number of suitable and qualified homes to meet the needs of children served by the agency.

(2) An agency shall develop, implement, and maintain a program of foster home retention that includes foster parent involvement and that identifies the causes of the loss of foster homes and prescribes actions to be taken to retain foster homes.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12305. Certification training.

Rule 305. An agency shall ensure that all supervisors of social service workers who perform foster home certification functions receive certification training provided by the department.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12306 Application request.

Rule 306. (1) An agency shall document that both of the following conditions are met before providing a person with an application:

- (a) The person expresses a willingness to provide care for the types of children served by the agency.
- (b) The person has received required orientation.

(2) An agency shall document that a person who has met the requirements of subrule (1) of this rule has received an application and information regarding all of the following:

- (a) A copy of the act.
- (b) Administrative rules for foster homes.
- (c) Administrative rules for child placing agencies.
- (d) Good moral character rules.

Annual Administrative Code Supplement
1998 – 2000 Edition

- (e) The child protection law.
- (f) The children's ombudsman act.
- (g) The agency's program statement.
- (h) The agency's foster care services policies.
- (i) The agency's foster parent training requirements.
- (3) An agency shall document that the licensee has been given an application for renewal of the license not less than 30 calendar days before the expiration date of the license.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12307 Orientation.

Rule 307. An agency foster parent orientation shall consist of all of the following areas:

- (a) Purposes of foster care.
- (b) Characteristics and needs of the children placed by the agency.
- (c) Attachment and separation issues.
- (d) Impact of fostering on the foster family.
- (e) Role of the foster family.
- (f) Licensing process.
- (g) Grievance procedure.
- (h) Importance of a child's family.
- (i) Parent and sibling visits.
- (j) Agency foster care policies and procedures.
- (k) Agency foster parent training requirements.
- (l) Supportive services and resources.
- (m) Provisions of the children's ombudsman act.
- (n) Provisions of the child protection act.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12308 Application submission.

Rule 308. (1) An agency shall act on a completed and signed application.

- (2) An agency shall require both caregivers in a 2-caregiver household to sign the application.
- (3) An agency may consider an application withdrawn after 60 days if the applicant fails to cooperate with the completion of the licensing process.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12309 Records check.

Rule 309. (1) An agency shall, upon receipt of an application, initiate a records check of each applicant and each adult member of the household. The check shall pertain to previous licenses, criminal convictions, and substantiated child abuse and neglect records.

- (2) An agency shall, upon receipt of information indicating a lack of good character or suitability on the part of the foster parent, initiate a new records check.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12310 Initial evaluation.

Rule 310. (1) An agency social service worker shall complete a written initial foster home evaluation before certifying the home for licensure.

- (2) The report shall include the dates and places of contacts and persons interviewed or observed.
- (3) The report shall be an assessment of all of the following:
 - (a) Visits at the residence of the foster home applicants for observations of, and interviews with, each member of the household to determine all of the following:
 - (i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence.
 - (ii) Educational history and any special skills and interests.
 - (iii) Employment history, current financial status, including property and income, money management

Annual Administrative Code Supplement
1998 – 2000 Edition

skills, and outstanding financial obligations.

- (iv) Physical, mental, and emotional health of each member of the household.
 - (v) Any history of substance abuse of each member of the household.
 - (vi) Parenting skills and attitudes toward children.
 - (vii) Methods of discipline of children.
 - (viii) Adjustment and special needs of the applicant's own children.
 - (ix) Strengths and weaknesses of each member of the household.
 - (x) Experiences with own parents and any history of out-of-home care.
 - (xi) Reasons for applying to be a foster family.
 - (xii) Previous experience in providing child foster care, child day care, or adult foster care.
 - (xiii) Attitude towards accepting a foster child.
 - (xiv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of a foster child.
 - (xv) Capacity and disposition to give a foster child guidance, love, and affection.
 - (b) Previous adoption evaluations or placements.
 - (c) Previous licenses, criminal convictions, and substantiated child abuse or neglect for any member of the household.
 - (d) Three references from persons not related to the applicants.
 - (e) A medical statement for each member of the household that indicates that the member has no known condition which would affect the care of a foster child. The statement shall be signed by a physician within the 12-month period before the initial evaluation.
 - (f) Adequacy of the applicant's house, property, neighborhood, schools, and community for the purpose of fostering as determined by an on-site visit.
 - (g) The age, number, sex, race, ethnic background, and the special characteristics of children preferred by the applicants.
 - (h) Training needs of the family.
 - (4) An agency shall document placement specifications consistent with the information contained in the evaluation. The placement specifications shall include the characteristics, age, sex, race, and number of children preferred by the family, of children best served by the home, and of children who may not be placed in the home. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.
 - (5) An agency shall inform the applicant that a copy of the initial evaluation is available upon request.
- History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12311 Placement agreement.

- Rule 311. (1) An agency shall have a written placement agreement signed by the foster parent and the agency before initially certifying a foster home for licensure.
- (2) The placement agreement shall contain all of the following provisions:
- (a) The responsibilities of the agency.
 - (b) The services to be provided to foster children and the foster family.
 - (c) The responsibilities of the foster family.
 - (d) That the foster family has been informed of, and agrees to follow, agency policies and procedures.
- (3) An agency shall review the agreement with the foster family at least annually and, when needed, develop a new agreement.
- (4) An agency shall give a foster family a copy of the signed current placement agreement.
- History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12312 Foster parent training.

- Rule 312. (1) An agency shall develop a foster parent training plan with the participation of foster parents.
- (2) The foster parent training plan shall provide for all of the following:
- (a) The individual training needs of the foster parents.

Annual Administrative Code Supplement
1998 - 2000 Edition

- (b) Not less than 12 hours of training to be completed not later than the end of the original 6-month licensing period and before the placement of a child. Not more than 6 hours of the orientation may be included as part of the 12 hours of training.
 - (c) Not less than an additional 12 hours of training during the next 2 years after the original licensing period.
 - (d) Not less than 6 hours of training annually after the time periods specified in subdivisions (b) and (c) of this subrule.
 - (3) The training specified in subrule (2)(a), (b), and (c) of this rule shall address all of the following areas:
 - (a) Characteristics and needs of children.
 - (b) Effective parenting.
 - (c) Behavior management.
 - (d) Importance of the foster child's family.
 - (e) Role of the agency.
 - (f) Emergency procedures, first aid, and fire safety.
 - (g) Preparation of the foster child for independence.
 - (4) An agency shall document all training received by each foster parent.
- History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12313 Reevaluation.

- Rule 313. (1) An agency shall conduct an on-site visit and complete a written reevaluation of a foster home annually.
- (2) The annual reevaluation shall include a determination and assessment of all of the following:
 - (a) All changes to the factual information contained in the initial evaluation and subsequent renewal evaluations.
 - (b) Family functioning and interrelationships as determined by observation of, and interviews with, each member of the household and each social service worker who has had children placed in the home during the last licensing period.
 - (c) Training needs of the family.
 - (d) Compliance with the licensing rules for foster homes.
 - (3) An agency shall record the dates and places of contacts and persons interviewed or observed as part of a reevaluation.
 - (4) An agency shall document placement specifications consistent with the information contained in the reevaluation. Placement specifications shall include the characteristics, age, sex, race, and number of children preferred by the family, of children best served by the home, and of children who may not be placed in the home. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.
 - (5) An agency shall notify the foster parent that a copy of the reevaluation is available upon request.
 - (6) An agency shall complete a reevaluation and shall make a licensing recommendation before the expiration date of the foster home license.
- History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12314 License recommendation.

- Rule 314. (1) An agency shall recommend to the department the appropriate licensing action based on facts contained in the foster home evaluation and any special evaluations.
- (2) An agency shall document foster home license changes in the foster home record and shall communicate the changes immediately to the department in the manner prescribed by the department.
 - (3) Except for an original license, an agency shall recommend to the department the issuance of a regular license only when both of the following conditions exist:
 - (a) All noncompliances relating to the recommendation are correctable.
 - (b) A written corrective action plan has been developed. The plan shall be in compliance with all of the following requirements:
 - (i) Specify the methods, the persons responsible, and the time frames for correction.

Annual Administrative Code Supplement
1998 - 2000 Edition

- (ii) Require that the corrective action be completed within the period of the license.
 - (iii) Be signed and dated by the foster parent and the agency.
 - (4) Except for an original license, an agency shall recommend to the department the issuance of a provisional license only when both of the following conditions exist:
 - (a) The agency complies with subrule (3)(a) and (b) of this rule.
 - (b) The foster parent has been informed, in writing, of the facts and the basis for the provisional license.
 - (5) An agency shall recommend to the department the denial of license issuance, the revocation of a license, or the refusal to renew a license only when both of the following conditions exist:
 - (a) The foster parent falsifies information provided during the licensing process or willfully and substantially violates the act, the licensing rules for foster homes, or the terms of the license.
 - (b) The applicant or the foster parent has been informed, in writing, of the facts and the basis for the recommended action.
 - (6) An agency shall provide the department with all requested documentation that is related to an agency recommendation or a department licensing action.
 - (7) An agency shall participate in, and present facts at, a foster home licensing administrative hearing to support an agency recommendation or a department licensing action.
- History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12315 Borrowed home.

- Rule 315. (1) Before placing a child in a foster home certified by another agency, an agency shall have a record containing all of the following documents:
- (a) Prior approval from the certifying agency authorizing the placement of a child in the home.
 - (b) Documentation that the foster parent is willing to accept the foster child.
 - (c) A copy of the initial evaluation with written endorsement by the borrowing agency that the evaluation is acceptable.
 - (d) A copy of the current reevaluation with written endorsement by the borrowing agency that the evaluation is acceptable.
 - (e) A list of all children currently placed in the home.
 - (f) Documentation that the foster parent has received orientation to the policies of the borrowing agency.
 - (g) A copy of the placement agreement signed by the foster parent and the borrowing agency.
 - (h) A copy of the current license certification documents from the certifying agency.
 - (i) A copy of all special evaluations completed during the last 2 years.
- (2) The certifying agency is responsible for certification functions, including special evaluations, and shall share all information regarding changes in the home with all agencies that have children in placement in the home.
- History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12316 Special evaluation.

- Rule 316. (1) An agency shall do both of the following when information is received that relates to possible noncompliance with any foster home rule:
- (a) Notify the department's licensing authority within 5 working days.
 - (b) Initiate a special evaluation of the foster home as soon as is indicated, based on the information received, but not later than 7 calendar days after receipt of the information.
- (2) An agency shall inform foster parents of all of the following before they are questioned or interviewed regarding a special evaluation:
- (a) That a special evaluation has been initiated.
 - (b) A clear description of the allegations.
 - (c) That the foster parents have an option to involve a person of their choice in any interviews with them involving the special evaluation if the involvement does not impede the timely completion of the evaluation.
- (3) An agency shall complete a special evaluation within 45 calendar days after receipt of the information. If additional time is required, then the agency shall inform the foster parent, in writing, of the basis for the extension.
- (4) Before completion of the written report required by subrule (5) of this rule, an agency shall provide the

Annual Administrative Code Supplement
1998 – 2000 Edition

foster parent with a verbal summary of the preliminary findings at the conclusion of the evaluation.

(5) Upon completion of the evaluation, an agency shall prepare a written report that includes all of the following information:

- (a) The date the information was received.
- (b) Identification of the information source, unless anonymous or confidential, as specified in Act No. 238 of the Public Acts of 1975, as amended, being §722.621 et seq. of the Michigan Compiled Laws, and known as the child protection law.
- (c) The allegations.
- (d) Dates and places of contacts, names of persons interviewed, and names of the interviewers. If children are interviewed, their last names shall not be included in the report.
- (e) Findings of fact, based upon the evaluation.
- (f) Conclusions regarding licensing rules compliance or noncompliance based on the findings of fact.
- (g) Any change in the agency's decision regarding the number, sex, age, race, ethnic background, and specific characteristics of children who may be placed that is based upon the documentation contained in the summary and conclusions of the report.
- (h) Recommendations regarding licensing action and any required corrective action.

(6) An agency shall do both of the following:

- (a) Provide the foster parent with a copy of the report required by subrule (5) of this rule within 10 calendar days of its completion.
- (b) Inform the foster parent, in writing, that he or she has a right to have his or her written response included as an attachment to the report required by subrule (5) of this rule.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12317 Foster home record.

Rule 317. (1) An agency shall maintain a foster home record for each foster home.

(2) The record shall contain all of the following information:

- (a) All documents pertaining to certification of the home.
- (b) Any special evaluation reports.
- (c) Placement agreements between a foster parent and the agency.
- (d) A placement list of all children placed in the foster home, including all of the following information about each child:
 - (i) Name, age, sex, and race of the child.
 - (ii) Date of placement.
 - (iii) Date of, and reasons for, a child's removal from the foster home.
- (e) Any written response from a foster parent, as provided by R 400.12316(6)(b).
- (f) Zoning approval if a foster family group home.

(3) An agency shall make copies of a record available to the applicant or licensee upon request, except for the following items:

- (a) Pending evaluation reports and documents.
- (b) Records of privileged communication.
- (c) Criminal records, police reports, child protective services information, and social security numbers from any source.
- (4) An agency shall maintain records for not less than 3 years after closure.

History: 2000 MR 15, Eff. Jan. 1, 2001.

PART 4. FOSTER CARE SERVICES

R 400.12401 Department authorization.

Rule 401. An agency shall be authorized by the department to receive children for placement in licensed foster homes.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12402 Program statement.

Annual Administrative Code Supplement
1998 - 2000 Edition

Rule 402. An agency shall have and follow a current written program statement that includes all of the following information:

- (a) Types of foster care provided.
- (b) Age, race, ethnic background, and specific characteristics of children served.
- (c) Types of services provided to foster children and their families.
- (d) Geographical area covered.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12403. Policy and procedures.

Rule 403. (1) An agency shall have and follow written policies and procedures for the foster care services provided.

(2) The policies and procedures shall cover at least all of the following areas:

- (a) Placement.
- (b) Change of placement.
- (c) Behavior management.
- (d) Religion.
- (e) Mail.
- (f) Education.
- (g) Personal possessions, allowance, and money.
- (h) Clothing.
- (i) Emergencies.
- (j) Medical and dental care.
- (k) Substitute care.
- (l) Unusual incidents.
- (m) Hazardous materials.
- (n) Foster parent information.
- (o) Service plans.
- (p) Visitation.
- (q) Foster care record.

(3) An agency shall provide a copy of the policies and procedures to the foster parents of a home where the agency places a child.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12404 Placement.

Rule 404. (1) An agency shall only place a child in a licensed foster home, except as permitted in R 400.12709.

(2) An agency's placement of a child in a foster home shall be consistent with the placement specifications for the home.

(3) An agency shall consider all of the following factors in selecting an appropriate placement for a child:

- (a) The permanency - reunification goal for the child.
- (b) The physical, emotional, and educational needs of the child.
- (c) Expressed preferences of the foster child.
- (d) Placement of the child with relatives.
- (e) Placement of the child with siblings.
- (f) The child and child's family's religious preference.
- (g) The continuity of relationships, including relationships with parents, siblings, relatives, foster parents, and other persons significant to the child.
- (h) The availability of placement resources for the purpose of making a timely placement.

(4) The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.

(5) Before the placement of a child, an agency shall prepare the child for placement consistent with the child's age, individual needs, the circumstances necessitating placement, and the special problems presented.

Annual Administrative Code Supplement
1998 - 2000 Edition

(6) An agency shall document, in the child's record, within 7 calendar days after placement, the information specified in R 400.12417(1) as well as all of the following information:

(a) All of the following child characteristics:

- (i) Sex.
- (ii) Race.
- (iii) Height and weight.
- (iv) Eye color and hair color.
- (v) Identifying marks.
- (vi) Religious preference.
- (vii) School status.

(b) Name, known addresses, and marital status of the child's parents or legal guardian, if any.

(c) Names, ages, and known addresses of any siblings.

(d) Known names, addresses, and dates of any previous out-of-home placements.

(e) The date that the agency received the child for placement.

(f) The child's legal status and the agency's legal right to provide care.

(g) Documentation of the child's placement preparation.

(7) An agency shall make every reasonable effort to maintain a stable foster care placement for each child placed in foster care. The efforts shall be documented in the child's record.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12405 Change of placement.

Rule 405. (1) An agency shall give first consideration to returning the child to the parent or to placing the child with a relative when a change is indicated.

(2) The agency shall document all of the following in the child's record before a change of placement occurs:

(a) Reason for the change in placement.

(b) Supervisory approval before the change.

(c) If the child is not returned to the parent or placed with a relative, then the reason why return or placement is not possible.

(d) Replacement preparation appropriate to the child's capacity to understand, which includes an explanation as to why the change is necessary.

(e) Notification to the parents and referral source of the change in placement.

(f) Information about the child shared with the new placement.

(g) The child's new location and address.

(h) That the current foster parent was notified in writing of the following information:

(i) Not less than 14 calendar days in advance, of the change, except when prior notification would jeopardize the child's care or safety. If prior notice is not provided, then the agency shall notify the foster parent, at the time of the change, why prior notice was not given.

(ii) Of the current foster parent's rights concerning the change in placement.

(3) If an emergency change in placement is necessary, then all of the documentation required in subrule (2) of this rule shall be in the child's record within 14 calendar days after the change in placement.

(4) If an agency is no longer providing services to the child in a foster home, then both of the following shall be documented before a change in placement:

(a) A summary of the services provided during care up to the time of the change in placement and the needs that remain to be met.

(b) Provision for any continuing services.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12406 Behavior management policy.

Rule 406. (1) An agency's behavior management policy shall identify appropriate and specific methods of behavior management for foster children.

(2) An agency shall ensure that methods of behavior management for a foster child are positive and consistent, based on each foster child's needs, stage of development, and behavior, and promote self-control, self-esteem, and independence.

Annual Administrative Code Supplement
1998 - 2000 Edition

(3) All of the following types of punishment of a foster child are prohibited:

- (a) Physical force, excessive restraint, or any kind of punishment inflicted on the body, including spanking.
 - (b) Confinement in an area such as a closet or locked room.
 - (c) Withholding necessary food, clothing, rest, toilet use, or entrance to the foster home.
 - (d) Mental or emotional cruelty.
 - (e) Verbal abuse, threats, or derogatory remarks.
 - (f) Prohibiting visits or communication with a foster child's family.
 - (g) Denial of necessary educational, medical, counseling, or social work services.
- (4) A foster parent may use reasonable restraint to prevent a foster child from harming himself or herself, other persons, or property, or to allow the child to gain control of himself or herself.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12407 Religion policy.

Rule 407. An agency's religion policy shall, at a minimum, ensure that the foster child has the opportunity to receive religious instruction and attend religious services.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12408 Mail policy.

Rule 408. An agency's mail policy shall ensure that a child may send and receive mail.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12409 Education policy.

Rule 409. An agency's education policy shall ensure that, within 10 school days of placement, an agency shall provide for the enrollment of each child of school age, as defined by state law, into a school program.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12410 Personal possessions, allowance, and money policy.

Rule 410. An agency's personal possessions, allowance, and money policy shall, at a minimum, address both of the following:

- (a) Payment of, and accounting for, allowance, social security benefits, and other benefits to a foster child.
- (b) Assuring that a child has a right to have his or her personal possessions during placement with a foster family and when leaving the foster family.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12411 Clothing policy.

Rule 411. An agency's clothing policy shall, at a minimum, ensure that each foster child has a sufficient amount of clothing that is appropriate as to size and season and that is in good repair.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12412 Emergency policy.

Rule 412. (1) An agency's emergency policy shall, at a minimum, contain provisions for ensuring that a foster parent has agency-approved written procedures for each of the following emergencies:

- (a) Fire.
 - (b) Tornado.
 - (c) Serious accident or injury.
- (2) An agency shall approve the written evacuation plan for a foster home that provides care for a person who requires assistance to evacuate the home.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12413 Medical and dental care policy.

Rule 413. (1) An agency's medical and dental care policy shall, at a minimum, include all of the following:

- (a) The provision of routine medical care.
- (b) The provision of emergency medical, surgical, and dental care.

Annual Administrative Code Supplement
1998 – 2000 Edition

- (c) A physical examination for each child as follows, unless a greater frequency is medically indicated:
 - (i) For a child under 2 years of age, a physical examination shall have been completed within 3 months before being placed in foster care or a new physical examination shall be completed within 30 calendar days after being placed in foster care.
 - (ii) For a child 2 years of age or older, a physical examination shall have been completed within 12 months before placement or a new physical examination shall be completed within 30 calendar days after placement.
 - (iii) A physical examination every 14 months.
 - (d) Current immunizations for each child as required by section 5111 of Act No. 368 of the Public Acts of 1978 as amended, being §333.5111 of the Michigan Compiled Laws. A statement from a parent or licensed medical authority which indicates that immunizations are current or contraindicated is sufficient documentation of immunizations. If documentation of immunization is unavailable, then immunizations shall begin within 30 calendar days of placement.
 - (e) The provision of any dental treatment necessary for a child who is less than 4 years of age.
 - (f) The provision of a dental examination and any treatment required for each child who is 4 years of age and older, including both of the following:
 - (i) A dental examination within 12 months before placement or a new dental examination shall be completed not more than 90 calendar days after placement.
 - (ii) A dental reexamination shall be obtained at least every 18 months, unless a greater frequency is indicated.
 - (2) An agency shall document all medical and dental care received by a foster child.
- History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12414 Substitute care policy.

Rule 414. An agency's substitute care policy shall, at a minimum, contain provisions for all of the following:

- (a) Qualifications for substitute caregivers.
- (b) Conditions under which substitute care may be utilized.
- (c) Notification of the agency, by the foster parent, before the beginning of any planned absence which requires substitute care for a period of 24 hours or more.
- (d) Notification of the agency, by the foster parent, within 24 hours of any unplanned absence which requires substitute care for a period of 24 hours or more.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12415 Unusual incident policy.

Rule 415. (1) An agency's unusual incident policy shall, at a minimum, include agency notification to the foster child's parents and the responsible agency of any of the following incidents within 24 hours of knowledge of the incident:

- (a) When a foster child is missing from a foster home.
- (b) Any illness or injury that requires hospitalization of a foster child.
- (c) A foster child's involvement with law enforcement authorities.
- (d) Attempted removal or removal of a foster child from the foster home by any person who is not authorized by the agency.

(2) The policy shall require that the agency immediately notifies all of the following entities of the death of a foster child:

- (a) The child's parents.
- (b) The referring agency.
- (c) The department licensing authority.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12416 Hazardous materials policy.

Rule 416. An agency's hazardous materials policy shall, at a minimum, contain both of the following provisions:

- (a) Dangerous and hazardous materials, objects, or equipment that may present a risk to children placed in

Annual Administrative Code Supplement
1998 - 2000 Edition

the foster home shall be stored securely and out of the reach of children, as appropriate for the age and functioning level of the children.

(b) Firearms shall be trigger-locked or fully inoperable and stored without ammunition in a locked area. Ammunition shall be stored in a separate locked location. A handgun shall be registered. Documentation of the registration of the handgun shall be available for review.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12417 Foster parent information.

Rule 417. (1) An agency shall provide a foster parent with all of the following information before the placement of a child:

- (a) Child's name.
- (b) Child's date of birth.
- (c) Available known information about the child's health.
- (d) Any known history of abuse or neglect of the child.
- (e) All known emotional and psychological problems of the child.
- (f) All known behavioral problems of the child.
- (g) Circumstances necessitating placement of the child.
- (h) Any other known information to enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family.
- (i) Name of assigned social service worker.
- (j) Authorization to provide routine and emergency medical care.

(2) For an emergency placement, if any of the information specified in subrule (1)(a) to (h) of this rule is not available at the time of placement, then the information shall be provided to the foster parent within 7 calendar days of the placement.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12418 Service plans; initial and updated.

Rule 418.(1) An agency shall complete written service plans for each child as follows:

- (a) Within 30 calendar days after the initial placement by the agency.
 - (b) Within 90 calendar days after the initial service plan and at least once every 90 calendar days after the initial service plan.
- (2) An agency shall place service plans in the case record and review The plans with foster parents. The agency shall inform the foster parent that the information in the plan and any other information about the child and the child's family is confidential.
- (3) An agency shall develop service plans with the child, the child's parents or legal guardian, the referring agency, and other parties involved in providing needed services, unless the agency documents why any of the entities cannot be involved.
- (4) An agency shall involve the foster parents in the development of service plans to enable the foster parents to understand the plan for the child and the foster parent's role in assisting the agency in carrying out the plan.
- (5) The initial service plan shall include all of the following information:
- (a) Dates, types, and places of agency contacts and persons contacted.
 - (b) Circumstances necessitating placement.
 - (c) Assessment of the placement selection criteria as required under R 400.12404.
 - (d) A social history pertinent to the circumstances necessitating placement that assesses the child and all persons constituting the child's significant family.
 - (e) A plan that has as its goal reunification of the child with his or her family or another goal of permanent placement. The plan shall include all of the following information:
 - (i) The permanency goal for the child.
 - (ii) The conditions necessary to achieve the permanency goal identified in paragraph (i) of this subdivision.
 - (iii) Action steps and time frames to achieve the necessary conditions identified in paragraph (ii) of this subdivision.
 - (iv) The persons responsible for implementing the action steps identified in paragraph (iii) of this

Annual Administrative Code Supplement
1998 - 2000 Edition

subdivision.

- (v) Projected length of placement in foster care.
- (f) Plans for visits between the child, the child's family, and any other person.
- (g) The child management plan to be used by the foster parent.
- (6) An updated service plan shall include all of the following information:
 - (a) Dates, types, and places of agency contacts and persons contacted.
 - (b) Confirmation that the child's current foster home continues to appropriately meet the placement needs of the child.
 - (c) A summary of information pertinent to the updated services plan received since the last service plan from the child, the child's parents or legal guardian, foster parents, referring agency, and others, unless the agency documents why any of these entities cannot be involved.
 - (d) Assessment of progress in achieving the permanency goal for the child.
 - (e) A plan which includes any changes made since the previous plan and which has the content specified in subrule (5)(e)(i to v) of this rule.
 - (f) Plans for visits between the child, the child's family, and any other person.
 - (g) A child management plan which includes any changes made since the previous plan and which is to be used by the foster parents.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12419 Visitation.

Rule 419. (1) An agency shall develop a plan of visitation for each child in foster care consistent with the child's service plans, as required by R 400.12418.

- (2) An agency social service worker shall personally visit each foster child at least once each month.
- (3) An agency social service worker shall visit the foster child and the foster parent in the foster parent's home at least once every other month.
- (4) An agency may reduce visits to a child to once every 90 days if there is documentation in the service plan that a child's placement in a foster home is a permanent placement. Visits shall occur in the foster home.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12420 Foster care record.

Rule 420. (1) An agency shall maintain a record for each child in its foster care program.

- (2) An agency shall protect each record against destruction and damage and shall store and maintain each child's record in a manner to assure confidentiality and to prevent unauthorized access.
- (3) The record shall contain all of the following information:
 - (a) Initial service plan.
 - (b) Any required updated service plans.
 - (c) Medical and dental records.
 - (d) Placement documentation as required by R 400.12404.
 - (e) Change of placement documentation as required by R 400.12405.
 - (f) Plan of visitation as required by R 400.12419.
- (4) An agency shall maintain the record for not less than 7 years after the agency's termination of services to the child.

History: 2000 MR 15, Eff. Jan. 1, 2001.

PART 5. INDEPENDENT LIVING SERVICES

R 400.12501 Department authorization.

Rule 501. An agency shall be authorized by the department to supervise independent living placements.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12502 Program statement.

Rule 502. (1) An agency shall have and follow a current written program statement that includes all of the following information:

Annual Administrative Code Supplement
1998 – 2000 Edition

- (a) Types of living arrangements approved.
 - (b) Eligibility requirements for a youth, including age and level of physical, emotional, and intellectual functioning.
 - (c) Services provided.
 - (d) Means of financial support for the youth.
 - (e) Supervision.
 - (f) Educational and vocational requirements.
 - (g) Medical and dental care.
 - (h) Basis for termination.
 - (2) An agency shall give a copy of the program statement to a youth before placement in independent living.
- History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12503 Policy and procedures.

- Rule 503. (1) An agency shall have and follow written policies and procedures for the independent living services provided.
- (2) The policies and procedures shall cover at least all of the following areas:
 - (a) Placement.
 - (b) Supervision.
 - (c) Education.
 - (d) Medical care.
 - (e) Termination.
 - (f) Independent living record.
 - (3) An agency shall provide a youth in independent living with a copy of the agency's policies and procedures required by the rule.
- History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12504 Placement.

- Rule 504. (1) An agency shall document the reason for selection of independent living as the most appropriate placement for the youth.
- (2) All of the following shall be in the case record before a youth is placed in independent living:
 - (a) The basis for concluding that a youth exhibits self-care potential.
 - (b) That the youth's social service worker has personally observed and determined that the living situation is safe.
 - (c) The availability of specific and relevant resources that may provide for suitable social, physical, vocational, and emotional needs of a youth.
 - (d) An evaluation of a youth's need for supervision.
 - (e) Proof that financial support to meet the youth's housing, clothing, food, and miscellaneous expenses is available.
- History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12505 Supervision.

- Rule 505. (1) An agency shall provide supervision for a youth in independent living consistent with the youth's need for supervision, as required by R 400.12504(2)(d).
- (2) An agency shall provide the following minimum supervision:
 - (a) Face-to-face contact between the social service worker and the youth in independent living at least once each month at a youth's place of residence.
 - (b) At monthly intervals, ensure that the youth is complying with the terms of the contract required by R 400.12509(2)(k), continues to reside in a safe and acceptable environment, and is managing expenditures.
 - (c) Provide the youth with a telephone number to contact the agency on a 24-hour, 7-days-a-week basis.
- History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12506 Education.

- Rule 506. An agency shall ensure that a youth in independent living is working full-time, actively

Annual Administrative Code Supplement
1998 – 2000 Edition

involved in job training or continuing education, or a combination of work and education.
History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12507 Medical care.

Rule 507. An agency shall ensure that a youth in independent living receives any needed medical and dental care. Medical and dental care provided shall be documented in the youth's record.
History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12508 Termination.

Rule 508. (1) When an agency terminates its independent living services for a youth, the agency shall document all of the following information in the case record within 30 calendar days of termination of its services:

- (a) The reason for the termination.
- (b) The youth's new location.
- (c) A summary of the services provided during care and the needs that remain to be met.
- (d) Provision for any follow-up services.
- (2) An agency shall ensure and document that each youth who ends independent living is provided with all of the following:
 - (a) Basic information about health, housing, counseling services, and emergency resources.
 - (b) A birth certificate.
 - (c) A social security card.
 - (d) The youth's funds and personal property.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12509 Independent living record.

Rule 509. (1) An agency shall maintain a case record for each youth placed in independent living.
(2) The case record shall contain all of the following information and documentation, which shall be recorded within 30 calendar days after placement in independent living and updated at least once every 90 calendar days:

- (a) All of the following personal information pertaining to the youth:
 - (i) Name.
 - (ii) Social security number.
 - (iii) Address and telephone number.
 - (iv) Date of birth.
 - (v) Sex.
 - (vi) Race.
 - (vii) Height.
 - (viii) Weight.
 - (ix) Hair color.
 - (x) Eye color.
 - (xi) Identifying marks.
 - (xii) A photograph updated on an annual basis.
- (b) Documentation of the agency's legal right to place a youth.
- (c) The names, addresses, dates of birth, and social security numbers of the youth's parents, if any.
- (d) The names, dates of birth, and addresses of the youth's siblings, if any.
- (e) The names and addresses of any offspring.
- (f) The names and addresses of any other significant persons.
- (g) Current documentation of financial support sufficient to meet the youth's housing, clothing, food, and miscellaneous expenses.
- (h) The date, location, documented purpose, and a summary of the findings of each contact between the youth and the social service worker.
- (i) Current adjustment.
- (j) The youth's relationship with family members and agency efforts to resolve family conflicts.

Annual Administrative Code Supplement
1998 - 2000 Edition

(k) A mutually agreed upon contract between the youth and the agency which specifies the responsibilities of the agency and the youth and which is signed and dated by the youth and the social service worker. The contract shall be reviewed and updated at least once every 90 calendar days and a copy provided to the youth.

(3) An agency shall maintain the record for not less than 3 years after the agency's termination of services to the youth.

History: 2000 MR 15, Eff. Jan. 1, 2001.

PART 6. ADOPTION EVALUATION SERVICES

R 400.12601 Department authorization.

Rule 601. An agency shall be authorized by the department to evaluate applicants for adoption.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12602 Program statement.

Rule 602. (1) An agency shall have and follow a current written program statement.

(2) The statement shall include all of the following information:

(a) Eligibility requirements for adoptive parents.

(b) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. The delineation shall include specific charges for expenses and services within and outside the agency and shall differentiate between the charges that are refundable and the charges that are not refundable.

(c) Services and functions provided directly or indirectly.

(d) Geographical area covered.

(3) An agency shall provide the statement to all persons making inquiry about the agency's services.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12603 Policy and procedures.

Rule 603. (1) An agency shall have and follow written policies and procedures for the adoption services provided.

(2) The policies and procedures shall cover at least all of the following areas:

(a) Orientation.

(b) Adoptive evaluation.

(c) Agency recommendation.

(d) Intercountry services.

(e) Adoption evaluation record.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12604 Orientation.

Rule 604. A social service worker shall provide an orientation for prospective applicants for adoption before an adoptive evaluation is conducted. The orientation shall include a review of all of the following:

(a) Program statement, policies, and procedures.

(b) Services and resources available.

(c) Fees and charges for services.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12605 Adoptive evaluation.

Rule 605. (1) An agency shall complete a written report of an adoptive evaluation which shall be conducted by a social service worker.

(2) The report shall include the dates and places of contacts and persons interviewed or observed.

(3) The report shall be an assessment of all of the following:

(a) Visits at the residence of the applicants for adoption to conduct observations of, and interviews with, each member of the household to determine all of the following:

(i) Marital and family status and history, including current and past level of family functioning and

Annual Administrative Code Supplement
1998 – 2000 Edition

relationships and any incidents of domestic violence.

- (ii) Educational history and any special skills and interests.
 - (iii) Employment history, current financial status, including property and income, money management skills and outstanding financial obligations.
 - (iv) Physical, mental, and emotional health of each member of the household.
 - (v) Any history of substance abuse of each member of the household.
 - (vi) Parenting skills and attitudes toward children.
 - (vii) Methods of discipline of children.
 - (viii) Adjustment and special needs of the applicant's own children.
 - (ix) Strengths and weaknesses of each member of the household.
 - (x) Experiences with own parents and any history of out-of-home care.
 - (xi) Reasons for adopting.
 - (xii) Previous experience in providing child foster care, child day care, or adult foster care.
 - (xiii) Attitude towards accepting an adoptive child.
 - (xiv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of an adopted child.
 - (xv) Capacity and disposition to give an adopted child guidance, love, and affection.
 - (b) Previous adoption evaluations or placements.
 - (c) Previous licenses, criminal convictions, and substantiated child abuse or neglect for any member of the household.
 - (d) Three references from persons not related to the applicants.
 - (e) A medical statement for each member of the household that indicates that the member has no known condition which would affect the care of an adoptive child. The statement shall be signed by a physician within the 12-month period before the adoptive evaluation.
 - (f) Adequacy of the applicant's house, property, neighborhood, schools, and community for the purpose of adoption as determined by an on-site visit.
 - (g) The age, number, sex, race, ethnic background, and special characteristics of children preferred by the applicants and the family's plan to discuss adoption with any child adopted.
- History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12606 Agency recommendation.

Rule 606. (1) An agency shall make a written recommendation based on the findings of the adoptive evaluation with respect to both of the following:

- (a) Approval or denial of the applicants for adoption by a social service supervisor.
 - (b) If approved, the number, sex, age, race, ethnic background, and special characteristics of adoptive children who may be placed in the adoptive applicant home. A child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.
- (2) If an agency concludes that an individual is not suitable to be approved, then the basis for the decision shall be specified in the recommendation.
- (3) An agency shall provide the applicants for adoption with a signed and dated copy of the evaluation and recommendation upon its completion.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12607 Intercountry services.

Rule 607. If an agency assists a Michigan family with an evaluation prepared specifically for the adoption of a child born outside the United States, then the agency shall comply with all of the following provisions:

- (a) The agency shall include in its program statement, under R 400.12602, a description of intercountry adoptive evaluation services provided.
- (b) The regulations issued by the United States federal government regarding the procedures for United States citizens adopting from a particular country and the regulations issued by that country for adoptions by foreigners shall be kept on file at the agency and shall be made available for review by persons considering adopting from the country.

Annual Administrative Code Supplement
1998 – 2000 Edition

(c) If an agreement exists between a foreign government and an agency, an English language translation of verified written agreements with the foreign government shall be on file at the agency and available for review. The agreement shall conform to the laws and regulations of the United States, the state of Michigan, and the foreign country.

(d) If the agency has persons working in the foreign country for purposes of assisting prospective adoptive families, then the persons are considered staff of the agency.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12608 Adoption evaluation record.

Rule 608. (1) An agency shall retain a case record for each applicant for adoption.

(2) The record shall contain all of the following:

(a) Orientation documentation as required by R 400.12604.

(b) Adoptive evaluation as required by R 400.12605.

(c) Agency recommendation as required by R 400.12606.

(3) An agency shall retain each record for not less than 3 years after the agency's termination of services to the applicant.

(4) If a branch or associate office of a child-placing agency ceases to operate, then the branch's or office's adoption records shall be forwarded to the central office of the branch or associate office.

History: 2000 MR 15, Eff. Jan. 1, 2001.

PART 7. ADOPTION PLACEMENT SERVICES

R 400.12701 Department authorization.

Rule 701. An agency shall be authorized by the department to receive children for placement with adoptive parents.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12702 Program statement.

Rule 702. (1) An agency shall have and follow a current written program statement.

(2) The statement shall include all of the following information:

(a) Types of adoptions provided by the agency.

(b) Procedures for selecting adoptive parents for a child, including the role of the child's parent or guardian in the selection process.

(c) The extent to which the agency permits or encourages exchange of identifying information or contact between biological and adoptive parents.

(d) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. The delineation shall include specific charges for expenses and services within and outside the agency and shall differentiate between the charges that are refundable and the charges that are not refundable.

(e) Services and functions provided directly or indirectly, including both of the following:

(i) Counseling services and any other available services to a person who is releasing a child for adoption.

(ii) Post-finalization services or counseling services provided to adoptive parents or to the adoptee.

(f) Geographical area covered.

(3) An agency shall provide the statement to all persons making inquiry to release a child for adoption and to prospective adoptive parents.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12703 Policy and procedures.

Rule 703. (1) An agency shall have and follow written policies and procedures for the adoption services provided.

(2) The policies and procedures shall cover all of the following areas:

(a) Safeguarding rights.

(b) Release.

(c) Recruitment.

Annual Administrative Code Supplement
1998 – 2000 Edition

- (d) Orientation.
- (e) Evaluation.
- (f) Placement.
- (g) Adoptive parent information.
- (h) Supervision.
- (i) Intercountry services.
- (j) Adoption placement record.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12704 Safeguarding rights.

Rule 704. An agency shall prescribe safeguards relating to the needs and rights of all of the following entities:

- (a) Birth parents who are considering release of a child for adoption.
- (b) The child who becomes available for adoption.
- (c) The adoptive parents who apply to adopt or adopt a child.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12705 Release.

Rule 705. (1) An agency social service worker shall provide an orientation for birth parents before the birth parents release their rights to a child.

(2) The orientation shall include a review of all of the following:

- (a) Program statement, policies, and procedures.
- (b) Legal process for adoption.
- (c) Services and resources available.
- (d) Meaning and consequences of a release.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12706 Recruitment.

Rule 706. (1) An agency shall have an ongoing recruitment program to ensure an adequate number of suitable adoptive parents for the timely placement of all children available for adoption.

(2) An agency shall base recruitment on all of the following criteria:

- (a) Ages and developmental needs of children.
- (b) Racial identity of children.
- (c) Sibling relationships of children.
- (d) Special needs of children.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12707 Orientation.

Rule 707. An agency social service worker shall provide and document an orientation for the adoptive parents before they are determined suitable to parent an adopted child. The orientation shall include a review of all of the following areas:

- (a) Program statement, policies, and procedures.
- (b) Needs and characteristics of children available for adoption.
- (c) Legal process for adoption.
- (d) Services and resources available.
- (e) Fees and charges for services.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12708 Evaluation.

Rule 708. An agency shall have on file a written adoption evaluation and agency recommendation as required under R 400.12605 and R 400.12606 before approving the adoptive parents for each adoptive placement and before referring a child to, or placing a child in, the home for purposes of adoption.

History: 2000 MR 15, Eff. Jan. 1, 2001.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.12709 Placement.

Rule 709. (1) An agency shall consider all of the following factors in selecting appropriate adoptive parents for a child:

- (a) The physical, emotional, medical, and educational needs of the child.
- (b) The child's needs for continued contact with the birth parent, siblings, relatives, foster parents, and other persons significant to the child.
- (c) The racial, ethnic, and cultural identity, heritage, and background. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.

(2) An agency shall place a child with agency-approved adoptive parents consistent with the needs of the child identified in subrule (1) of this rule and the agency's adoptive parent recommendation as required by R 400.12708.

(3) An agency shall require a social service supervisor, or chief administrator if the placement is recommended by a social service supervisor, to approve or deny the recommendation for placement by the social service worker. The approval shall be documented in the record.

(4) A public or private agency may place a child in an unlicensed home for the purposes of adoption if all of the following conditions have been met:

- (a) The adoptive parents have received orientation in accordance with the requirements of R 400.12707.
- (b) The evaluation of the prospective adoptive parents has been completed in accordance with the requirements of R 400.12605.
- (c) Supervisory approval of the placement has been documented in accordance with the requirements of subrule (3) of this rule.
- (d) The adoptive petition has been filed with the court.

(5) The provisions of this rule do not prohibit a temporary placement made under section 23d of chapter X of Act No. 288 of the Public Acts of 1939, as amended, being §710.23d of the Michigan Compiled Laws.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12710 Adoptive parent information.

Rule 710. (1) An agency shall provide adoptive parents with all of the following information before the placement of a child:

- (a) Child's name.
- (b) Date, time, and place of birth including hospital, city, state, and country.
- (c) Medical, social, and educational history of the child.
- (d) Child's racial, ethnic, and religious background.
- (e) Description of the child's family of origin, including age and sex of family members, relationship to the child, and medical, social, and educational history of each member of the family.
- (f) Circumstances necessitating placement of the child.
- (g) Child's preparation for placement and attitude toward the adoption.
- (h) Any other known information to enable the adoptive parent to provide a stable, safe, and healthy environment for the child.

(2) An agency shall provide adoptive parents with any additional information that becomes available to the agency after the placement of the adoptive child.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12711 Supervision.

Rule 711. (1) An agency shall provide post-placement supervision for the adoptive family at the adoptive parent's home as needed, but not less than once every 3 months, after the placement of a child and until the final order of adoption.

(2) An agency shall assess and record the child's and adoptive family's adjustment and, where needed, shall include plans to assist the child or adoptive family.

(3) An agency shall keep the adoptive parents informed of the results of the agency's continuing assessment of the placement at the conclusion of each visit.

Annual Administrative Code Supplement
1998 – 2000 Edition

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12712 Intercountry services.

Rule 712. An agency that assists with the adoption of a child born outside the United States shall comply with all of the following provisions:

- (a) The agency shall include in its program statement, under R 400.12702, a description of intercountry adoptive placement services provided.
- (b) The regulations issued by the United States federal government regarding the procedures for United States citizens adopting from a particular country and the regulations issued by that country for adoptions by foreigners shall be kept on file at the agency and shall be made available for review by persons considering adopting from the country.
- (c) If an agreement exists between a foreign government and an agency, an English language translation of verified written agreements with the foreign government shall be on file at the agency and available for review. The agreement shall conform to the laws and regulations of the United States, the state of Michigan, and the foreign country.
- (d) If the agency has persons working in the foreign country for purposes of facilitating adoptive placements, then the persons are considered staff of the agency.

History: 2000 MR 15, Eff. Jan. 1, 2001.

R 400.12713 Adoption placement record.

Rule 713. (1) An agency shall permanently retain a case record for each adoptive child after adoptive placement.

(2) The record shall contain all of the following:

- (a) Orientation documentation as required by R 400.12707.
- (b) Evaluation documentation as required by R 400.12708.
- (c) Placement documentation as required by R 400.12709.
- (d) Supervision documentation as required by R 400.12711.

(3) If a branch or associate office of a child-placing agency ceases to operate, then the agency shall forward the branch's or office's adoption records to the central office of the branch or associate office.

(4) If a child-placing agency ceases to operate, then the agency shall forward its records to the Michigan family independence agency.

History: 2000 MR 15, Eff. Jan. 1, 2001.

DIVISION OF ADULT FOSTER CARE LICENSING

ADULT FOSTER CARE SMALL GROUP HOMES

PART 1. GENERAL PROVISIONS

R 400.14101

Source: 1994 AACCS.

R 400.14102

Source: 1994 AACCS.

R 400.14103

Source: 1994 AACCS.

R 400.14104

Source: 1994 AACCS.

R 400.14105

Source: 1994 AACCS.

R 400.14106

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1994 AACS.

R 400.14199

Source: 1994 AACS.

PART 2. PROGRAM REQUIREMENTS

R 400.14201

Source: 1994 AACS.

R 400.14202

Source: 1994 AACS.

R 400.14203

Source: 1994 AACS.

R 400.14204

Source: 1994 AACS.

R 400.14205

Source: 1994 AACS.

R 400.14206

Source: 1994 AACS.

R 400.14207

Source: 1994 AACS.

R 400.14208

Source: 1994 AACS.

R 400.14209

Source: 1994 AACS.

R 400.14210

Source: 1994 AACS.

PART 3. RESIDENT CARE, SERVICES, AND RECORDS

R 400.14301

Source: 1994 AACS.

R 400.14302

Source: 1994 AACS.

R 400.14303

Source: 1994 AACS.

R 400.14304

Source: 1994 AACS.

R 400.14305

Source: 1994 AACS.

R 400.14306

Source: 1994 AACS.

R 400.14307

Source: 1994 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.14308
Source: 1994 AACS.

R 400.14309
Source: 1994 AACS.

R 400.14310
Source: 1994 AACS.

R 400.14311
Source: 1994 AACS.

R 400.14312
Source: 1994 AACS.

R 400.14313
Source: 1994 AACS.

R 400.14314
Source: 1994 AACS.

R 400.14315
Source: 1994 AACS.

R 400.14316
Source: 1994 AACS.

R 400.14317
Source: 1994 AACS.

R 400.14318
Source: 1994 AACS.

R 400.14319
Source: 1994 AACS.

PART 4. ENVIRONMENTAL CONDITIONS

R 400.14401
Source: 1994 AACS.

R 400.14402
Source: 1994 AACS.

R 400.14403
Source: 1994 AACS.

R 400.14404
Source: 1994 AACS.

R 400.14405
Source: 1994 AACS.

R 400.14406
Source: 1994 AACS.

R 400.14407
Source: 1994 AACS.

R 400.14408

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1994 AACS.

R 400.14409
Source: 1994 AACS.

R 400.14410
Source: 1994 AACS.

R 400.14411
Source: 1994 AACS.

**PART 5. FIRE SAFETY; HOMES LICENSED OR PROPOSED TO BE LICENSED
AFTER MARCH 27, 1980**

R 400.14501
Source: 1994 AACS.

R 400.14502
Source: 1994 AACS.

R 400.14503
Source: 1994 AACS.

R 400.14504
Source: 1994 AACS.

R 400.14505
Source: 1994 AACS.

R 400.14506
Source: 1994 AACS.

R 400.14507
Source: 1994 AACS.

R 400.14508
Source: 1994 AACS.

R 400.14509
Source: 1994 AACS.

R 400.14510
Source: 1994 AACS.

R 400.14511
Source: 1994 AACS.

R 400.14512
Source: 1994 AACS.

PART 6. FIRE SAFETY; HOMES LICENSED ON OR BEFORE MARCH 27, 1980

R 400.14601
Source: 1994 AACS.

ADULT FOSTER CARE LARGE GROUP HOMES

PART 1. GENERAL PROVISIONS

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.15101
Source: 1994 AACS.

R 400.15102
Source: 1994 AACS.

R 400.15103
Source: 1994 AACS.

R 400.15104
Source: 1994 AACS.

R 400.15105
Source: 1994 AACS.

R 400.15106
Source: 1994 AACS.

PART 2. PROGRAM REQUIREMENTS

R 400.15201
Source: 1994 AACS.

R 400.15202
Source: 1994 AACS.

R 400.15203
Source: 1994 AACS.

R 400.15204
Source: 1994 AACS.

R 400.15205
Source: 1994 AACS.

R 400.15206
Source: 1994 AACS.

R 400.15207
Source: 1994 AACS.

R 400.15208
Source: 1994 AACS.

R 400.15209
Source: 1994 AACS.

R 400.15210
Source: 1994 AACS.

PART 3. RESIDENT CARE, SERVICES, AND RECORDS

R 400.15301
Source: 1994 AACS.

R 400.15302
Source: 1994 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.15303
Source: 1994 AACS.

R 400.15304
Source: 1994 AACS.

R 400.15305
Source: 1994 AACS.

R 400.15306
Source: 1994 AACS.

R 400.15307
Source: 1994 AACS.

R 400.15308
Source: 1994 AACS.

R 400.15309
Source: 1994 AACS.

R 400.15310
Source: 1994 AACS.

R 400.15311
Source: 1994 AACS.

R 400.15312
Source: 1994 AACS.

R 400.15313
Source: 1994 AACS.

R 400.15314
Source: 1994 AACS.

R 400.15315
Source: 1994 AACS.

R 400.15316
Source: 1994 AACS.

R 400.15317
Source: 1994 AACS.

R 400.15318
Source: 1994 AACS.

R 400.15319
Source: 1994 AACS.

PART 4. ENVIRONMENTAL CONDITIONS

R 400.15401
Source: 1994 AACS.

R 400.15402
Source: 1994 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.15403

Source: 1994 AACS.

R 400.15404

Source: 1994 AACS.

R 400.15405

Source: 1994 AACS.

R 400.15406

Source: 1994 AACS.

R 400.15407

Source: 1994 AACS.

R 400.15408

Source: 1994 AACS.

R 400.15409

Source: 1994 AACS.

R 400.15410

Source: 1994 AACS.

R 400.15411

Source: 1994 AACS.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF REGULATORY SERVICES

ADULT FOSTER CARE FACILITY LICENSING AND CHILD CARE

ORGANIZATION

CONTESTED CASE HEARINGS

R 400.16001 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 116 of the Public Acts of 1973, as amended, being §722.111 et seq. of the Michigan Compiled Laws.

(b) "Act No. 218" means Act No. 218 of the Public Acts of 1979, as amended, being §400.701 et seq. of the Michigan Compiled Laws.

(c) "Noncompliance" means a violation of the act or act 218, an administrative rule promulgated under the act or act 218, or the terms of a license or a certificate of registration.

(d) "Substantial noncompliance" means repeated violations of the act or act 218 or an administrative rule promulgated under the act or act 218, or noncompliance with the act or act 218, or a rule promulgated under the act or act 218, or the terms of a license or a certificate of registration that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.

(e) "Willful noncompliance" means, after receiving a copy of the act or act 218, the rules promulgated under the act or act 218 and, for a license, a copy of the terms of a license or a certificate of registration, an applicant or licensee knew or had reason to know that his or her conduct was a violation of the act or act 218, rules promulgated under the act or act 218, or the terms of a license or a certificate of registration.

(2) Except as provided in subrule (1) of this rule, a term defined in Act No. 306 of the Public Acts of 1969, as

Annual Administrative Code Supplement
1998 – 2000 Edition

amended, being §§24.201 et seq. of the Michigan Compiled Laws, shall have the same meaning when used in these rules.

(3) The definitions in this rule apply to matters under the act and act 218 for contested case hearings.

History: 1999 MR 9, Eff. Sep. 23, 1999.

DEPARTMENT OF STATE POLICE
STATE FIRE SAFETY BOARD
ADULT FOSTER CARE FACILITIES
PART 1. GENERAL PROVISIONS

R 400.18101

Source: 1994 AACS.

R 400.18102

Source: 1994 AACS.

R 400.18103

Source: 1994 AACS.

R 400.18104

Source: 1994 AACS.

R 400.18105

Source: 1994 AACS.

R 400.18106

Source: 1994 AACS.

R 400.18107

Source: 1994 AACS.

R 400.18108

Source: 1994 AACS.

R 400.18109

Source: 1994 AACS.

R 400.18110

Source: 1994 AACS.

R 400.18111

Source: 1994 AACS.

PART 2. NEW SMALL AND LARGE ADULT FOSTER CARE FACILITIES

R 400.18201

Source: 1994 AACS.

R 400.18202

Source: 1994 AACS.

R 400.18203

Source: 1994 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.18204
Source: 1994 AACCS.

R 400.18205
Source: 1994 AACCS.

R 400.18206
Source: 1994 AACCS.

R 400.18207
Source: 1994 AACCS.

R 400.18208
Source: 1994 AACCS.

R 400.18209
Source: 1994 AACCS.

R 400.18210
Source: 1994 AACCS.

R 400.18211
Source: 1994 AACCS.

R 400.18212
Source: 1994 AACCS.

R 400.18213
Source: 1994 AACCS.

R 400.18214
Source: 1994 AACCS.

R 400.18215
Source: 1994 AACCS.

R 400.18216
Source: 1994 AACCS.

R 400.18217
Source: 1994 AACCS.

R 400.18218
Source: 1994 AACCS.

R 400.18219
Source: 1994 AACCS.

R 400.18220
Source: 1994 AACCS.

R 400.18221
Source: 1994 AACCS.

R 400.18222
Source: 1994 AACCS.

R 400.18223
Source: 1994 AACCS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.18224

Source: 1994 AACS.

R 400.18225

Source: 1994 AACS.

R 400.18226

Source: 1994 AACS.

PART 3. EXISTING SMALL AND LARGE ADULT FOSTER CARE FACILITIES LICENSED ON OR BEFORE MARCH 27, 1980; EXISTING SMALL AND LARGE ADULT FOSTER CARE FACILITIES LICENSED ON OR BEFORE MARCH 27, 1980, AND RELICENSED BEFORE JULY 2, 1991

R 400.18301

Source: 1994 AACS.

R 400.18302

Source: 1994 AACS.

R 400.18303

Source: 1994 AACS.

R 400.18304

Source: 1994 AACS.

R 400.18305

Source: 1994 AACS.

R 400.18306

Source: 1994 AACS.

R 400.18307

Source: 1994 AACS.

R 400.18308

Source: 1994 AACS.

R 400.18309

Source: 1994 AACS.

R 400.18310

Source: 1994 AACS.

R 400.18311

Source: 1994 AACS.

R 400.18312

Source: 1994 AACS.

R 400.18313

Source: 1994 AACS.

R 400.18314

Source: 1997 AACS.

PART 4. EXISTING SMALL AND LARGE ADULT FOSTER CARE FACILITIES LICENSED AFTER MARCH 27, 1980

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.18401
Source: 1994 AACCS.

R 400.18402
Source: 1994 AACCS.

R 400.18403
Source: 1994 AACCS.

R 400.18404
Source: 1994 AACCS.

R 400.18405
Source: 1994 AACCS.

R 400.18406
Source: 1994 AACCS.

R 400.18407
Source: 1994 AACCS.

R 400.18408
Source: 1994 AACCS.

R 400.18409
Source: 1994 AACCS.

R 400.18410
Source: 1994 AACCS.

R 400.18411
Source: 1994 AACCS.

R 400.18412
Source: 1994 AACCS.

R 400.18413
Source: 1994 AACCS.

R 400.18414
Source: 1994 AACCS.

R 400.18415
Source: 1994 AACCS.

R 400.18416
Source: 1994 AACCS.

R 400.18417
Source: 1994 AACCS.

R 400.18418
Source: 1994 AACCS.

R 400.18419
Source: 1994 AACCS.

R 400.18420
Source: 1994 AACCS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.18421
Source: 1994 AACS.

R 400.18422
Source: 1994 AACS.

R 400.18423
Source: 1994 AACS.

R 400.18424
Source: 1994 AACS.

R 400.18425
Source: 1994 AACS.

PART 5. NEW ADULT FOSTER CARE CONGREGATE FACILITIES

R 400.18501
Source: 1994 AACS.

R 400.18502
Source: 1994 AACS.

PART 6. EXISTING ADULT FOSTER CARE CONGREGATE FACILITIES

R 400.18601
Source: 1994 AACS.

R 400.18602
Source: 1994 AACS.

R 400.18603
Source: 1994 AACS.

R 400.18604
Source: 1994 AACS.

R 400.18605
Source: 1994 AACS.

R 400.18606
Source: 1994 AACS.

R 400.18607
Source: 1994 AACS.

R 400.18608
Source: 1994 AACS.

R 400.18609
Source: 1994 AACS.

R 400.18610
Source: 1994 AACS.

R 400.18611
Source: 1994 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.18612
Source: 1994 AACS.

R 400.18613
Source: 1994 AACS.

R 400.18614
Source: 1994 AACS.

R 400.18615
Source: 1994 AACS.

R 400.18616
Source: 1994 AACS.

R 400.18617
Source: 1994 AACS.

R 400.18618
Source: 1994 AACS.

R 400.18619
Source: 1994 AACS.

R 400.18620
Source: 1994 AACS.

R 400.18621
Source: 1994 AACS.

R 400.18622
Source: 1994 AACS.

R 400.18623
Source: 1994 AACS.

R 400.18624
Source: 1994 AACS.

R 400.18625
Source: 1994 AACS.

R 400.18626
Source: 1994 AACS.

R 400.18627
Source: 1994 AACS.

R 400.18628
Source: 1994 AACS.

R 400.18629
Source: 1994 AACS.

R 400.18630
Source: 1994 AACS.

R 400.18631
Source: 1994 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.18632
Source: 1994 AACs.

R 400.18633
Source: 1994 AACs.

R 400.18634
Source: 1994 AACs.

R 400.18635
Source: 1994 AACs.

R 400.18636
Source: 1994 AACs.

R 400.18637
Source: 1994 AACs.

R 400.18638
Source: 1994 AACs.

R 400.18639
Source: 1994 AACs.

R 400.18640
Source: 1994 AACs.

R 400.18641
Source: 1994 AACs.

R 400.18642
Source: 1994 AACs.

R 400.18643
Source: 1994 AACs.

R 400.18644
Source: 1994 AACs.

R 400.18645
Source: 1994 AACs.

R 400.18646
Source: 1994 AACs.

R 400.18647
Source: 1994 AACs.

R 400.18648
Source: 1994 AACs.

R 400.18649
Source: 1994 AACs.

R 400.18650
Source: 1994 AACs.

R 400.18651
Source: 1994 AACs.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.18652
Source: 1994 AACS.

R 400.18653
Source: 1994 AACS.

R 400.18654
Source: 1994 AACS.

R 400.18655
Source: 1994 AACS.

R 400.18656
Source: 1994 AACS.

R 400.18657
Source: 1994 AACS.

R 400.18658
Source: 1994 AACS.

R 400.18659
Source: 1994 AACS.

**PART 7. AMENDMENTS TO THE STANDARD FOR THE INSTALLATION, MAINTENANCE,
AND USE OF HOUSEHOLD FIRE WARNING EQUIPMENT (NFPA 74, 1989 EDITION,
NATIONAL FIRE PROTECTION ASSOCIATION)**

R 400.18701
Source: 1994 AACS.

R 400.18702
Source: 1994 AACS.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
BUREAU OF COMMUNITY SERVICES
COMMUNITY ACTION PROGRAMS
PART 1. GENERAL PROVISIONS

R 400.19101
Source: 1990 AACS.

R 408.19002 Adoption by reference of federal standard.

Rule 9002. The provisions of 29 C.F.R. §1910.146 entitled "Permit Required Confined Spaces" and the amendments in the Federal Register dated June 29, 1993, and December 1, 1998, pp. 66038 to 66040 are adopted in these rules by reference, with the limitations set forth in R 408.19001(2). The adopted regulations are available from the United States Department of Labor, 801 South Waverly, Room 306, Lansing, Michigan 48917, at no charge as of the time of adoption of these rules, or from the Michigan Department of Consumer and Industry Services, Standards Division, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909, at no charge as of the time of adoption of these rules.
History: 1993 MR 10, Eff. Nov. 2, 1993; 1999 MR 10, Eff. Nov. 8, 1999.

R 400.19103
Source: 1990 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.19104

Source: 1990 AACS.

R 400.19105

Source: 1990 AACS.

R 400.19106

Source: 1990 AACS.

PART 2. BUREAU OF COMMUNITY SERVICES

R 400.19201

Source: 1990 AACS.

R 400.19202

Source: 1990 AACS.

R 400.19203

Source: 1990 AACS.

R 400.19204

Source: 1990 AACS.

R 400.19205

Source: 1990 AACS.

R 400.19206

Source: 1990 AACS.

R 400.19207

Source: 1990 AACS.

R 400.19208

Source: 1990 AACS.

R 400.19209

Source: 1990 AACS.

PART 3. COMMISSION OF ECONOMIC AND SOCIAL OPPORTUNITY

R 400.19301

Source: 1990 AACS.

PART 4. COMMUNITY ACTION AGENCIES

R 400.19401

Source: 1990 AACS.

R 400.19402

Source: 1990 AACS.

R 400.19403

Source: 1990 AACS.

R 400.19404

Source: 1990 AACS.

R 400.19405

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1990 AACS.

R 400.19406

Source: 1990 AACS.

R 400.19407

Source: 1990 AACS.

R 400.19408

Source: 1990 AACS.

R 400.19409

Source: 1990 AACS.

R 400.19410

Source: 1990 AACS.

R 400.19411

Source: 1990 AACS.

R 400.19412

Source: 1990 AACS.

R 400.19413

Source: 1990 AACS.

R 400.19414

Source: 1990 AACS.

R 400.19415

Source: 1990 AACS.

PART 5. FINANCIAL REQUIREMENTS

R 400.19501

Source: 1990 AACS.

R 400.19502

Source: 1990 AACS.

R 400.19503

Source: 1990 AACS.

R 400.19504

Source: 1990 AACS.

R 400.19505

Source: 1990 AACS.

R 400.19506

Source: 1990 AACS.

R 400.19507

Source: 1990 AACS.

R 400.19508

Source: 1990 AACS.

R 400.19509

Annual Administrative Code Supplement
1998 – 2000 Edition

Source: 1990 AACS.

R 400.19510

Source: 1990 AACS.

R 400.19511

Source: 1990 AACS.

R 400.19512

Source: 1990 AACS.

R 400.19513

Source: 1990 AACS.

R 400.19514

Source: 1990 AACS.

R 400.19515

Source: 1990 AACS.

PART 6. GRANTEE APPEALS AND APPEALS HEARINGS

R 400.19601

Source: 1990 AACS.

R 400.19602

Source: 1990 AACS.

R 400.19603

Source: 1990 AACS.

R 400.19604

Source: 1990 AACS.

R 400.19605

Source: 1990 AACS.

R 400.19606

Source: 1990 AACS.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF SAFETY AND REGULATION

GENERAL INDUSTRY SAFETY STANDARDS COMMISSION

COMPLIANCE AND APPEALS

R 408.19901 Rescinded.

History: 1954 ACS 59, Eff. Aug. 14, 1969; 1954 ACS61, Eff. Feb. 16, 1970; rescinded 1998 MR 8, Eff. Sept. 9, 1998.

R 408.19902 Rescinded.

History: 1954 ACS 59, Eff. Aug. 14, 1969; 1954 ACS61, Eff. Feb. 16, 1970; rescinded 1998 MR 8, Eff. Sep. 9, 1998.

R 408.19903 Rescinded.

Annual Administrative Code Supplement
1998 – 2000 Edition

History: 1954 ACS 59, Eff. Aug. 14, 1969; 1954 ACS61, Eff. Feb. 16, 1970; rescinded 1998 MR 8, Eff. Sep. 9, 1998.

R 408.19904 Rescinded.

History: 1954 ACS 59, Eff. Aug. 14, 1969; 1954 ACS61, Eff. Feb. 16, 1970; rescinded 1998 MR 8, Eff. Sep. 9, 1998.

R 408.19905 Rescinded.

History: 1954 ACS 59, Eff. Aug. 14, 1969; 1954 ACS61, Eff. Feb. 16, 1970; rescinded 1998 MR 8, Eff. Sep. 9, 1998.

R 408.19906 Rescinded.

History: 1954 ACS 59, Eff. Aug. 14, 1969; 1954 ACS61, Eff. Feb. 16, 1970; rescinded 1998 MR 8, Eff. Sep. 9, 1998.

R 408.19907 Rescinded.

History: 1954 ACS 59, Eff. Aug. 14, 1969; 1954 ACS61, Eff. Feb. 16, 1970; rescinded 1998 MR 8, Eff. Sep. 9, 1998.

R 408.19908 Rescinded.

History: 1954 ACS 59, Eff. Aug. 14, 1969; 1954 ACS61, Eff. Feb. 16, 1970; rescinded 1998 MR 8, Eff. Sep. 9, 1998.

R 408.19909 Rescinded.

History: 1954 ACS 59, Eff. Aug. 14, 1969; 1954 ACS61, Eff. Feb. 16, 1970; rescinded 1998 MR 8, Eff. Sep. 9, 1998.

R 408.19910 Rescinded.

History: 1954 ACS 59, Eff. Aug. 14, 1969; 1954 ACS61, Eff. Feb. 16, 1970; rescinded 1998 MR 8, Eff. Sep. 9, 1998.

DEPARTMENT OF MANAGEMENT AND BUDGET
OFFICE OF SERVICES TO THE AGING
STATE AND LOCAL PROGRAMS ON AGING
PART 1. GENERAL PROVISIONS

R 400.20101

Source: 1983 AACS.

R 400.20102

Source: 1983 AACS.

R 400.20103

Source: 1983 AACS.

R 400.20104

Source: 1983 AACS.

R 400.20105

Source: 1983 AACS.

R 400.20106

Source: 1983 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.20107
Source: 1983 AACS.

R 400.20108
Source: 1983 AACS.

R 400.20109
Source: 1983 AACS.

PART 2. COMMISSION ON SERVICES TO THE AGING

R 400.20201
Source: 1983 AACS.

R 400.20202
Source: 1983 AACS.

R 400.20203
Source: 1983 AACS.

R 400.20204
Source: 1983 AACS.

R 400.20205
Source: 1983 AACS.

R 400.20206
Source: 1983 AACS.

R 400.20207
Source: 1983 AACS.

PART 3. OFFICE ON SERVICES TO THE AGING

R 400.20301
Source: 1983 AACS.

R 400.20302
Source: 1983 AACS.

R 400.20303
Source: 1983 AACS.

R 400.20304
Source: 1983 AACS.

R 400.20305
Source: 1983 AACS.

R 400.20306
Source: 1983 AACS.

R 400.20307
Source: 1983 AACS.

R 400.20308
Source: 1983 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.20309
Source: 1983 AACS.

PART 4. AREA AGENCIES ON AGING

R 400.20401
Source: 1983 AACS.

R 400.20402
Source: 1983 AACS.

R 400.20403
Source: 1983 AACS.

R 400.20404
Source: 1983 AACS.

R 400.20405
Source: 1983 AACS.

R 400.20406
Source: 1983 AACS.

R 400.20407
Source: 1983 AACS.

PART 5. FINANCIAL REQUIREMENTS

R 400.20501
Source: 1983 AACS.

R 400.20502
Source: 1983 AACS.

R 400.20503
Source: 1983 AACS.

R 400.20504
Source: 1983 AACS.

R 400.20505
Source: 1983 AACS.

R 400.20506
Source: 1983 AACS.

R 400.20507
Source: 1983 AACS.

R 400.20508
Source: 1983 AACS.

R 400.20509
Source: 1983 AACS.

R 400.20510
Source: 1983 AACS.

Annual Administrative Code Supplement
1998 – 2000 Edition

R 400.20511

Source: 1983 AACS.

R 400.20512

Source: 1983 AACS.

R 400.20513

Source: 1983 AACS.

PART 6. APPEALS AND APPEALS HEARINGS

R 400.20601

Source: 1983 AACS.

R 400.20602

Source: 1983 AACS.

R 400.20603

Source: 1983 AACS.

R 400.20604

Source: 1983 AACS.

R 400.20605

Source: 1983 AACS.

R 400.20606

Source: 1983 AACS.

R 400.20607

Source: 1983 AACS.